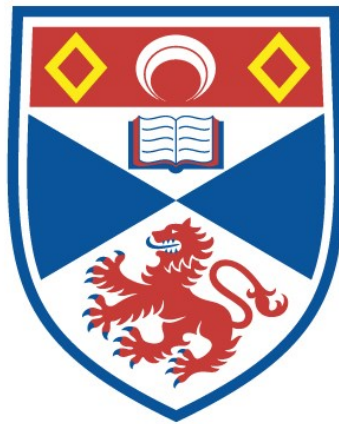


**CROWN FINANCE AND GOVERNANCE UNDER  
JAMES I : PROJECTS AND FISCAL POLICY  
1603-1625**

John R. Cramsie

A Thesis Submitted for the Degree of PhD  
at the  
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CROWN FINANCE AND GOVERNANCE  
UNDER JAMES I:  
Projects and Fiscal Policy 1603-1625

JOHN R. CRAMSIE



Submitted for the degree of Doctor of Philosophy  
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January, 1997

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## DECLARATIONS

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## ABSTRACT

### Crown Finance and the Governance under James I: Projects and Fiscal Policy 1603-1625.

This thesis is a fundamental reassessment of Jacobean crown finance and its importance in the early-modern English polity. The concurrent focuses are the Jacobean conceptualization of crown finance in terms of projects and the analysis of fiscal policy. Fiscal policy was dominated by attempts to balance the consumptive demands of the patronage culture with the fiscal needs of meeting the state's responsibilities of governance. The introduction describes the origins of projects and their relationship to the Jacobean patronage culture; it also discusses the importance of fiscal policy as a jumping-off point for a reassessment of the Jacobean polity. The structures of policymaking are examined in Chapter 1 with special emphasis on the process of counsel and the central role of James I in the responsibilities of governance. The conceptualization of crown finance in terms of entrepreneurial-like projects is fully explored in chapter 2 as is the importance of the doctrine of necessity in fiscal policy. Chapter 3 examines the nature of projects using a case-study of fishing fleet initiatives. The most significant challenge to the project basis of finance occurred in the parliament of 1621; the consequences of these events, long misunderstood as an attack on monopolies, are re-examined in Chapter 4. Origins of opposition to projects in popular culture, among James' ministers, and in parliament preface this chapter.

The three chapters making up section II of the thesis seek to rehabilitate fiscal policy with a focus on policymaking and governance. Robert Cecil's project for fiscal refoundation would have established a precedent of public taxation to support the crown. Its collapse is subjected to a reinterpretation in Chapter 5 which challenges Revisionist orthodoxy on Jacobean parliamentary politics and political philosophy. Chapter 6 examines a number of attempts through conciliar policymaking (1611-1617) to meet ongoing financial challenges which ultimately influenced fiscal policy for the rest of James' reign. The concluding chapter recreates Lionel Cranfield's formulation and application of the abstract ideal of the public good in fiscal policy. Cranfield represents the sharpest Jacobean example of a minister seeking to balance the demands of serving the king and the state in their own rights; and the challenges of so doing. The conclusion places the thesis into a wider perspective of early-modern governance and our understanding of the Jacobean polity.

## PREFACE

This is a study of crown finance and its place in the Jacobean polity. Investigating this subject requires the mastery of two interconnected yet distinguishable elements: the crown's finances as an abstract entity consisting of revenues and expenditures; and the making of fiscal policy, in effect how and why the crown finances were guided and manipulated for specific political and social ends. This necessarily creates a work in two parts, either of which was worthy to be the subject of this thesis in its own right. Framing the project this way within the constraints of a thesis involved sacrifices. Specialized chapters on crown lands and customs as well as parliament became impossible as did two other project case-studies (recusancy revenue and proclamations for buildings in London). The case-studies were the principal victims, but choosing between them separated 'the wheat from the chaff' while the integration of the parliamentary material into the policy chapters (5-7) removed an artificial distinction that was largely inappropriate. The justification for this approach is that to have analyzed fiscal policy--admittedly of somewhat wider appeal--without first examining the crown finances would have been akin to watching the hands of a clock move without really knowing how the mechanism itself worked. At the same time understanding the moving parts without seeing what they were turning, in which direction, and with what results seemed somewhere between esoteric and pointless.

In this thesis original spellings have been retained with the following exceptions: 'u' and 'v' have been reversed in manuscripts, but not in printed works; the thorn is transcribed as 'th'; abbreviations have been extended in brackets; punctuation has been altered only where necessary. Dates have been appended to documents where relevant and corrected in brackets for the year beginning on 1 January. The £ symbol has been used in place of *li*; it was generally found more efficacious to drop shillings, pence, and half-pence from amounts cited. The regular text uses American spelling. The few abbreviations used in this study are obvious and can be found in the bibliography in brackets; otherwise short citations have been used (subsequent to the first full entry in the footnotes). Citations for the Cranfield manuscripts at the Centre for Kentish Studies require a brief explanation. Cranfield's papers were recently cataloged into broad categories with the result that all relevant manuscripts are noted by the same citation; for instance CKS U269/1.OE108 designates all the correspondence from Buckingham to Cranfield. I have chosen to include A. P. Newton's original manuscript numbers in brackets to facilitate closer identification of documents; e.g. CKS U269/1.OE108 [Cranfield Ms 7]; where this was not possible I have described the document in brackets.

## ACKNOWLEDGEMENTS

The most pleasant part of finishing this dissertation is acknowledging the support of the many individuals who assisted in its realization. The staff of numerous libraries and archives made available the raw materials out of which this thesis was fashioned: St. Andrews University Library, the Centre for Kentish Studies, the Folger Shakespeare Library, the Henry E. Huntington Library, the British Library, Public Record Office, Duke Humfrey's Library Oxford, and Cambridge University Library chief among them. I owe numerous thanks to Cilla Jackson, Christine Gascoigne, Robert Smart, and Norman Reid in the department of Rare Books at St. Andrews University Library. The scholars and staff at the Folger Shakespeare Library and Folger Institute welcomed me into their community. The months I spent there in the last three years were a constant delight and I look forward to many more in the coming years. The generous and collegial access the Folger afforded to the Salisbury-Cecil Manuscripts on microfilm was of essential importance to this thesis. Special thanks to Lena Cowen Orlin, Richard Kuhta, Laetitia Yeandle, and David Ressa. I also want to thank Professor A. R. Braunmuller and all the members of our 1996 Folger spring seminar for many stimulating and engaging hours of literary and historical discussion. My sojourn at the Huntington Library was all too brief, but it was a delight thanks to the marvellous staff there, and I happily anticipate a much longer visit. The entire staff at the Centre for Kentish Studies went out of their way to make many weeks pouring over the Cranfield Papers one of my most pleasant and productive research experiences.

This thesis would never have been possible without the generous research funding I have received in the past three years. The David Russell Trust provided the award which made possible my work at the Huntington Library and it is a pleasure to thank it again for that honour. A Folger Consortium grant funded my attendance at a spring 1996 seminar and further research there. Professor John Guy, first as Head of the School of History and afterwards as Provost of St. Leonard's College, was instrumental in securing the funding for work in archives throughout Britain and my first foray to the Folger for the Salisbury microfilms. I was also the fortunate recipient of a School of History researchship and an Overseas Research Student Award from the Committee of Vice-Chancellors and Principals which paid my fees at St. Andrews.

I have been fortunate to have the tutelage of two of the outstanding historians of early-modern Britain, John Guy and Stanford Lehmberg. I owe many debts to John Guy. His vast knowledge and intuitive insight have been ever-present. Combined with an unpretentious, unaffected personality, they make him an ideal supervisor. But for him, my graduate study would never have begun nor this thesis been completed. My gratitude to my undergraduate mentor, Stanford Lehmberg, is longstanding. He has been an unfailing friend and supporter since I first walked through his office door more than a decade ago. I hope that



this thesis will justify some measure of the promise he always claimed to see in me and his comments and criticism throughout its development have been deeply appreciated. Professor Linda Levy Peck has been generous with information and advice from the early days. I am grateful to Jenny Wormald for many positive thoughts about and stimulating discussion of my research at the NACBS in Chicago in 1996; as well as her useful and generous commentary of our panel at that conference. The pleasant discussions on topics far and wide with members of the St. Andrews School of History greatly enhanced my experience there: thanks to Bruce P. Lenman, Roger Mason, Normal MacDougall, and Mark White. Lorna Harris, Elsie Johnstone, Norma Porter, and Marjory Bruce were expert at getting things done at St. Andrews University which made my life as a research student easier. The friendships of my two fellow Ph.D. students at St. Andrews, Stephen Alford and James Hampson, have been the most meaningful outcome of our three years together there. They have read, listened to and commented upon my ideas and prose, and offered many positive and helpful suggestions on all facets of this work. They made the professional side of the last three years a truly collegial, rewarding experience. On a personal level, Jamie's undying optimism was often a welcome tonic while Stephen and I now seem to have been the closest of friends our whole lives. In the often-times narrow world of historical research and writing, it was a godsend to have a friend who also asked, 'What does god need with a starship?' and took many a figurative leap over Springfield Gorge with me. Finally, Todd Doran and Leslie Sawers made life in miserable student accommodation bearable. Leslie particularly deserves thanks for many days of football, NY, pizza, and fine ale. Cheers one and all!!

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'If ye would write worthily, choose subjects worthy of you, that bee not full of vanitie, but of vertue; eschewing obscuritie, and delighting euer to bee plaine and sensible.'

James VI, Basilikon Doron.

'Be diligent therefore to trie, and awfull to beate downe the hornes of proud oppressors: embrace the quarrell of the poore and distressed, as your owne particular, thinking it your greatest honour to repress the oppressours: care for the pleasure of none, neither spare ye anie paines in your owne person, to see their wrongs redressed: and remember the honourable stile giuen to my grand-father of worthie memorie, in being called the poore mans King.'

James VI, Basilikon Doron.

## INTRODUCTION

### Projects and Crown Finance

#### I

There is scholarly unanimity that James I of England was as great a fiscal disaster as James VI of Scotland. In Jenny Wormald's words, the 'spendthrift before 1603 was the spendthrift thereafter, on a greater scale. The king who had been bad at refusing suitors in Scotland was not better in England, but had much more to give.'<sup>1</sup> The defining assessment has been that of Frederick Dietz:

Neither now, nor at any subsequent time, is there the slightest indication that James had any sense of the value of money or of the meaning of the balance of debit and credit. He seems to have been incapable of understanding the fact that a considerable income and even the occasional presence of large amounts of coined money in the hands of tellers of the exchequer were entirely compatible with a condition verging on bankruptcy. As long as there was money, or any other resources available to his hands, James was inclined to exercise that spirit of generosity which he had been compelled to suppress so long in Scotland.<sup>2</sup>

Marc Schwarz noted 'that there has been no attempt to defend the King's economic policies for the works of Robert Ashton, R. H. Tawney and Menna Prestwich have made clear how disastrous they were.'<sup>3</sup> Prestwich's Cranfield compelled Wormald to conclude it is 'virtually certain that any reappraisal of James will not upgrade his financial abilities, even though he inherited considerable problems because of the conservative policies of Elizabeth and Burghley'.<sup>4</sup> Finally, surveying Jacobean revisionism, Maurice Lee wrote that only 'with respect to finance has there been no change; James's reputation for feckless extravagance has been confirmed'.<sup>5</sup>

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<sup>1</sup>Jenny Wormald, 'James VI and I: Two Kings or One?', History 68 (1983), 198-199.

<sup>2</sup>F. C. Dietz, English Public Finance 1558-1641 (New York, 1932/1964), 101.

<sup>3</sup>Marc L. Schwarz, 'James I and the Historians: Toward a Reconsideration', Journal of British Studies 13 (1973-1974), 133. The works referred to are Robert Ashton, The Crown and the Money Market 1603-1640 (Oxford, 1960); R. H. Tawney, Business and Politics under James I: Lionel Cranfield as Merchant and Minister (Cambridge, 1958); and Menna Prestwich, Cranfield: Politics and Profits under the Early Stuarts (Oxford, 1966).

<sup>4</sup>Wormald, 'James VI and I', 199.

<sup>5</sup>Maurice Lee, Jr., Great Britain's Solomon: James VI and I in His Three Kingdoms (Urbana, 1990), xv.

This study of Jacobean fiscal policy proceeds from no desire to rehabilitate James, despite the manifest biases of Dietz, Tawney, and Prestwich. Rather it seeks to rehabilitate fiscal policy itself, to recapture it from the overpowering spectre of James' reputation, the stigma of being old-fashioned, high politics, and the consequent lack of interest in recent scholarship. Fundamental to this agenda is acknowledging fiscal policy's proper aspect within the wider English polity.<sup>6</sup> It was, like its Caroline counterpart, a seminal issue of governance and entwined with questions of counsel, public good, and policymaking. As such it represents an insightful analytical tool and a re-examination of fiscal policy is a study of James' kingship and the nature of the Jacobean polity. It has also proved to be an important point of entry for a reassessment of key issues in the Jacobean parliaments and present interpretations of them. Finally, this study seeks to abandon 'modern' historiographical preconceptions of crown finance and fiscal policy and understand them as James and his ministers comprehended them. Projects were the conceptual basis of their fiscal policies, the point at which their financial mental worlds fused with fiscal reality and practice. An exploration of the origins of projects will introduce us to the themes and arguments of this study.

## II

'Early Stuart England', Linda Peck has written, 'was governed by a personal monarchy, which ruled through a patrimonial bureaucracy organized within a hierarchical society structured by patron-client relationships.'<sup>7</sup> Patronage and bounty were important components of Jacobean governance, serving as the 'means of political control from the center over the localities by dispensing royal bounty to local governors who ruled in the countryside in the king's name. It also rewarded royal officials so as to provide for continuing policy-making and royal administration.'<sup>8</sup> Liberality, generosity, and

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<sup>6</sup>A corpus of recent work by Julian Goodare addresses a number of these issues in Scotland under James VI. Julian Goodare, 'Parliamentary Taxation in Scotland, 1560-1603', Scottish Historical Review 68 (1989), 23-52; Julian Goodare, 'The Nobility and the Absolutist State in Scotland, 1584-1638', History 78 (1993), 161-182; Julian Goodare, 'The Estates in the Scottish Parliament, 1286-1707, Clyve Jones (ed.), The Scots and Parliament (Edinburgh, 1996), 11-32.

<sup>7</sup>Linda Levy Peck, Court Patronage and Corruption in Early Stuart England (London, 1990), 4.

<sup>8</sup>Linda Levy Peck, "'For a King not to be bountiful were a fault': Perspectives on Court Patronage in Early Stuart England', Journal of British Studies 25 (1986), 37-38 and Linda Levy Peck, 'Peers, patronage and the

magnificence were aspirations of Renaissance princes, 'an ideal espoused by the monarchs and theorists alike' which 'posited the free giving of gifts and reward because it was virtuous. Duty and deference would then follow from grateful recipients.'<sup>9</sup> James VI espoused these ideals in Basilikon Doron, advising Prince Henry to 'Vse trew Liberalitie in rewarding the good, and bestowing frankly for your honour and weale'.<sup>10</sup>

This was the early-modern culture of patronage in which monarchs, ministers, courtiers, and favour-seekers existed. Crucially, these were the individuals for whose personal benefit fiscal systems were increasingly exploited.<sup>11</sup> It was assured that James' accession would be like a 'Christmas' of bounty, the better for the new king to reward supporters and create his own affinity.<sup>12</sup> The fiscal demands of the Spanish war created a dearth of patronage in the last decade of Elizabeth's reign that James would also be under irresistible pressure to alleviate.<sup>13</sup> Finally, James' liberal nature and the Spanish peace in 1604 combined to further redirect fiscal resources toward royal consumption, reward, and patronage as military requirements eased.<sup>14</sup> Conceiving of himself as a Renaissance prince, James gloried in being a river unto his people, effectively presiding over a vast patronage welfare state for the elite and their social dependants. In parliament in 1604, James commended his own shower of honours, advancements, and rewards as thankfulness for the loving welcome at his accession, 'without vaunting' affirming that he had given 'more then euer King of England did in so short a space'.<sup>15</sup>

The demands of this patronage culture, the inadequacy of established revenues, and the administrative weakness of the early-modern state created the conditions under which

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politics of history', John Guy (ed.), The Reign of Elizabeth I: Court and culture in the last decade (Cambridge, 1995), 87-89.

<sup>9</sup>Peck, 'Court Patronage', 36-37. Also R. Malcolm Smuts, 'Art and the material culture of majesty in early Stuart England', R. Malcolm Smuts (ed.), The Stuart court and Europe: Essays in politics and political culture (Cambridge, 1996), 87-96; Simon Adams, 'The patronage of the crown in Elizabethan politics: the 1590s in perspective', Guy (ed.), Elizabeth I, 20-45.

<sup>10</sup>Peck, 'Court Patronage', 37 and King James VI and I, Political Writings, ed. Johann P. Sommerville (Cambridge, 1994), 48.

<sup>11</sup>W. M. Ormrod, 'The West European Monarchies in the Later Middle Ages', Richard Bonney (ed.), Economic Systems and State Finance (Oxford, 1995), 158; Goodare, 'Nobility', 169-175.

<sup>12</sup>Peck, 'Peers, patronage', 106-108.

<sup>13</sup>John Guy, 'Introduction: The 1590's: the second reign of Elizabeth I?', Guy (ed.), Elizabeth I, 4-6 and Peck, 'Peers, patronage', 88-89 and 107.

<sup>14</sup>Peck, Court Patronage, 32-36.

<sup>15</sup>King James VI and I, Political Writings, ed. Sommerville, 144.

projects flourished and became the conceptual basis of Jacobean crown finance.<sup>16</sup> Two decades ago, Joan Thirsk masterfully examined the place of projects in the early-modern English economy.<sup>17</sup> Project and projector entered the lexicon of the age: 'Everyone with a scheme, whether to make money, to employ the poor, or to explore the far corners of the earth had a "project". The concrete noun is significant. A project was a practical scheme for exploiting material things; it was capable of being realized through industry and ingenuity... it did much to promote the commonweal, by creating employment, and dispersing cash through all classes of society.'<sup>18</sup> The projects Thirsk studied were 'schemes to manufacture, or produce on the farm, goods for home consumption', in short, 'industrial and agricultural projects' from which projectors and commonwealth, each in their own ways, realized material gain.<sup>19</sup> Economic projects spread in the mid-Tudor period after attracting the attention of commonwealth men in the Edwardian government interested in European ideas, employment for the poor, and new manufactures.<sup>20</sup> They were an integral part of the dissemination of the Renaissance commercial-entrepreneurial mentality, compellingly described by Lisa Jardine in her new history of the Renaissance.<sup>21</sup>

Projects flourished under Elizabeth because of the support of Edwardians like Sir Thomas Smith and William Cecil.<sup>22</sup> However, the dynamic of projects changed significantly by the 1580s. The first patents giving projectors concessionary rights to new inventions and

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<sup>16</sup>Early-modern Europe experienced a vast increase in the mobilization of economic and fiscal resources to finance governance and policy, a chief aspect of the development of the modern state and a process in which Scotland and England were as concerned as other Renaissance polities. The literature on the subject is vast but the most recent surveys are Bonney (ed.), State Finance; Charles Tilly, Coercion, Capital, and European States, AD. 990-1990 (Oxford, 1990); Samuel Clark, State and Status: The Rise of the State and Aristocratic Power in Western Europe (Montreal, 1995) particularly the thoroughgoing bibliography; M. J. Braddick, The nerves of state: Taxation and financing of the English state, 1558-1714 (Manchester, 1996). Also Michael Mann, States, War, and Capitalism (Oxford, 1988) and his 'State and society, 1130-1815: an analysis of English state finances', M Zeitlin (ed.), Political Power and Social Theory (Greenwich, 1980), I, 165-208; P. K. O'Brien and P. A. Hunt, 'The rise of the fiscal state, 1485-1815', Bulletin of the Institute of Historical Research 66 (1993), 129-176; M. J. Braddick, Parliamentary Taxation in Seventeenth-Century England: Local administration and Response (London, 1994).

<sup>17</sup>Joan Thirsk, Economic Policy and Projects: The Development of a Consumer Society in Early Modern England (Oxford, 1978).

<sup>18</sup>Thirsk, Policy and Projects, 1-2.

<sup>19</sup>Thirsk, Policy and Projects, 3 and 22.

<sup>20</sup>Thirsk, Policy and Projects, 31-36.

<sup>21</sup>Lisa Jardine, Worldly Goods (London, 1996), 37-132 and generally.

<sup>22</sup>Thirsk, Policy and Projects, 32-54.



products began in 1552.<sup>23</sup> These privileges, monopolistic in nature, became accepted as necessary protection and assistance for the success of many projects. Also large numbers of patentees and projectors 'were no longer inventors and skilled craftsmen, but courtiers, merchants, and speculators who planned to hire the services of such craftsmen, while they themselves shouldered the main financial risk' and stood to reap the benefits of successful undertakings.<sup>24</sup> This was Burghley's work, presiding 'over a major re-shaping of the financial basis of the crown's patronage.'<sup>25</sup> He was 'a leading encourager of monopolies, both of imported commodities and of domestic manufactures. Initially the latter were intended to support a policy of import substitution, but after about 1572 monopolies began to feature prominently as rewards.'<sup>26</sup> He shifted patronage from the crown estates to commercial revenues, actions which reflected a simultaneous transition occurring in the crown's fiscal base.<sup>27</sup> Thirsk's projectors were drawn inexorably into the patronage culture.

The crown possessed an ever-growing stake in customs revenues and when 'projects became successful native industries, the customs receipts from foreign imports of these same articles fell, and the Crown's revenues suffered.'<sup>28</sup> This issue came to a head over perceived customs losses with new draperies and woad. Thomas Smith believed that lost revenues on imports were more than recouped through increased exports of new goods, but Burghley remained unconvinced. Projectors took their cue from the rising noises made by the crown and 'new projects began to be presented in fresh form to forestall criticism: would be patentees promised the Crown a percentage of their profits to offset any loss that might be incurred in customs revenues.'<sup>29</sup> The prospect of financial gain for simply sealing a projector's patent became a siren-song to Burghley and Elizabeth. If the patents were granted

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<sup>23</sup>Thirsk, Policy and Projects, 52-54.

<sup>24</sup>Thirsk, Policy and Projects, 57.

<sup>25</sup>Adams, 'Patronage', 39.

<sup>26</sup>Adams, 'Patronage', 40; Thirsk, Policy and Projects, 59-61. Adams uses monopoly where Thirsk would choose project, a confusion of terminology that has not furthered the recognition of projects' true place in crown finance. Monopolies or patents, are more properly understood as synonymous terms for a similar subset of projects.

<sup>27</sup>Adams, 'Patronage', 39-40; below, 129-132.

<sup>28</sup>Thirsk, Projects and Policy, 57.

<sup>29</sup>Thirsk, Projects and Policy, 58.

to reward a courtier or servant, so much the better during the cash-starved years of war with Spain.

By this means, the crown developed its own concessionary interest in projects and was well on the road to becoming a projector itself. Thirsk concludes that projects became 'caught up in a complicated tangle of conflicting interests: they were being used by the Crown to further its financial interests, by local authorities to assist in the relief of the poor, and by private speculators who began to recognize what a gold-mine a successful project could be, and wanted their share in its profits.'<sup>30</sup> James' accession only intensified these forces. Roger Wilbraham recounted its impact: 'It is the manner, after the death of a long-reigning prince, that by discontented minds or wits starved for want of employment, many new projects, suits, inventions, and infinite complaints are brought to the successor instantly ... so it happened at this time.'<sup>31</sup> The siren sang louder, but what no one could have anticipated in 1603 was that, in the struggle to mobilize ever-more fiscal resources, the crown became the supreme projector, the Jonsonian Merecraft of its own polity.<sup>32</sup>

Projects have not been lost in earlier discussions of Jacobean finance. James Spedding reviewed Francis Bacon's work in them, Dietz wrote of an 'Era of Projects', and interest by present historians has broadened awareness.<sup>33</sup> Thirsk recently expanded her discussion of projects to their role in the management and exploitation of the crown estates.<sup>34</sup> Unfortunately, most existing scholarship remains limited by economic or patronage

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<sup>30</sup>Thirsk, Projects and Policy, 51.

<sup>31</sup>Robert Ashton (ed.), James I by his Contemporaries (London, 1969), 63.

<sup>32</sup>Ben Jonson, The Devil is an Ass, ed. Peter Happe (Manchester, 1994), 90-96, below, 97-100.

<sup>33</sup>James Spedding, The Letters and Life of Francis Bacon (7 volumes; London, 1861-1874), IV, 310-336; Dietz, Pubic Finance, 144-181; Peck, Northampton: Patronage and Policy at the Court of James I (London, 1982) and her Court Patronage. Also Kevin Sharpe, The Personal Rule of Charles I (New Haven, 1992), 105-130 and 235-274; Richard Hoyle, "'Shearing the hog": the reform of the estates, c. 1598-1640', R. W. Hoyle (ed.), The Estates of the English Crown, 1558-1640 (Cambridge, 1992), 204-262. In addition, Tawney, Business and Politics; Prestwich, Cranfield; Louis Knafla, Law and Politics in Jacobean England: The Tracts of Lord Chancellor Ellesmere (Cambridge, 1977); Ronald Rebholz, Sir Fulke Greville: First Lord Brooke (Oxford, 1971); Kevin Sharpe, Sir Robert Cotton 1586-1631: History and Politics in Early Modern England (Oxford, 1979); L. M. Hill, Bench and Bureaucracy: The Public Career of Sir Julius Caesar, 1580-1636 (Stanford, 1988); Pauline Croft (ed.), 'A Collection of Several Speeches and Treatises of the Late Lord Treasurer Cecil and of Several Observations on the Lords of the Council Given to King James Concerning His Estate and Revenue in the Years 1608, 1609, 1610', Camden Miscellany XXIX (London, 1987); David Harris Sacks, 'The countervailing of benefits: monopoly, liberty, and benevolence in Elizabethan England', Dale Hoak (ed.), Tudor Political Culture (Cambridge, 1995), 272-291.

<sup>34</sup>Joan Thirsk, 'The Crown as projector on its own estates, from Elizabeth I to Charles I', Hoyle, Estates 1558-1640, 297-352.

perspectives and antipathetic attitudes toward projects. Projects offered James and his ministers the same advantages as they had Burghley and Elizabeth without necessarily being deleterious.<sup>35</sup> By all counts early-modern states lost vast revenues through administrative weakness in the form of waste, corruption, and ignorance of their own fiscal rights. In Scotland, the treasury commissioners known as the Octavians focused on these very losses and 'financiers' rose to pre-eminence in the French fiscal machinery partly through their projects to improve the yield of existing revenues.<sup>36</sup> It was no great leap for the new breed of projectors to put their schemes and methods at the service of an inadequate administration or for the crown itself to assume the mantle of projector.<sup>37</sup> Far from being the work only of entrepreneurs or patronage-seekers, projects were the conceptual basis of crown finance and it can only be understood from that perspective. Recreating that conception is the agenda for the first section of this study.

### III

In an age when we are told *ad nauseam* that governments can do nothing and should aspire to do even less, it is important to remember historical evidence to the contrary. We need only reflect on the range of members' bills in parliaments, the warrants and orders in the privy council registers, and the commonwealth interests of ministers like Thomas Cromwell, Burghley, Lord Chancellor Ellesmere, or the earl of Northampton to appreciate the activism—effective or otherwise—of early-modern English government. Particularly in Jacobean England we must not let the structure and politics of the patronage culture, of so much interest in recent years, overshadow governance. Financing the state was the premier question of Jacobean governance and the logical goal of fiscal policy. For James and his ministers this effectively meant seeking the point of equilibrium between the consumptive interests of the patronage culture and the fiscal requirements of the state in discharging the

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<sup>35</sup>Peck, Court Patronage, 136-138.

<sup>36</sup>William Purves, Revenues of the Scottish Crown, 1681 ed. D. M. Rose (Edinburgh, 1897), 13-35; Atholl L. Murray, 'Sir John Skene and the Exchequer, 1594-1612', The Stair Society, Miscellany One (Edinburgh, 1971), 129-131; Julian Dent, Crisis in Finance: Crown, Financiers, and Society in Seventeenth-century France (Newton Abbot, 1973), 58; Martin Wolfe, The Fiscal System of Renaissance France (New Haven, 1972), 117-118.

<sup>37</sup>Peck, Court Patronage, 143-146; Conrad Russell, Parliaments and English Politics 1621-1629 (Oxford, 1979), 66-70.



responsibilities of governance. Among James' ministers this was the subtext of statements like Lionel Cranfield's, that 'to move the king to give now is to move the king to mack him selff miserable for the present & to kepe him soe.'<sup>38</sup>

'Suites and proiects'--the name of the earl of Salisbury's book of projects--were the key fiscal point of contact between the patronage culture and governance.<sup>39</sup> In the cause of governance, projects were a means to mobilize economic resources or privatize functions of government which the Jacobean administration was incapable of managing. For purposes of patronage they rewarded individuals' inventiveness, industry, or speculative talents and often sought to do so from sources of revenue which the crown would not otherwise have tapped. Licensing alehouses typified this duality within many projects. Projectors and their hirelings assumed the administrative responsibilities of licensing (regulating) and the crown received a percentage profit of the licenses or a fixed 'rent' for the entire contract. The projectors pocketed the profits in excess of costs and received only the gains which their own industry made possible. Despite these reasonable sounding premises, the actual project for alehouses was one of the scandals of James' reign and the corruption and abuses of the projectors prompted attacks in the parliament of 1621 which bordered on the blood-thirsty.<sup>40</sup> At the level of individual projects this was an issue of the balance of private gain and public good. Within a financial system conceived in terms of projects this became the debate over the fiscal equilibrium between patronage and governance. In the familiar words of Thomas Wentworth, 'to what purpose is it for us to drawe a silver streame out of the contry into the royall cesterne, if it shall dayly runne out thence by private cocks?'<sup>41</sup>

The second half of this study analyzes the fiscal policies both offered and employed to put governance and patronage into balance. In these final chapters--and the thesis generally--there are implicit agendas accompanying the study of Jacobean crown finance. There are two significant weaknesses in present scholarship of the period. First, the absence of a modern study of James VI and I which looks afresh at the king and remains untainted by the legacy of

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<sup>38</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>39</sup>Below, 39-48.

<sup>40</sup>Wallace Notestein, Frances Relf, Hartley Simpson (eds.), Commons Debates 1621 (seven volumes; New Haven, 1935), II, 168.

<sup>41</sup>Samuel Rawson Gardiner (ed.), Parliamentary Debates in 1610 (London, 1862), 11-12.

his historical character assassins.<sup>42</sup> The second is the lack of anything which might constitute a defining interpretation of the Jacobean period on its own terms. This study aims to overcome key aspects of these historiographic deficiencies, particularly the chapters focusing on fiscal policy. Crown finance itself does not offer a defining interpretation of the period, but a major reassessment of fiscal policy brings a modern interpretation that much closer. Further, this study has been at pains to treat the reign of James VI and I as something other than a footnote to Gloriana's or a preface to Charles I's. Projects were an early-modern European phenomenon which spanned the entirety of James' reign and this has been recognized, but the conception and emphasis of this study are deliberately 'Jacobean' rather than 'early Stuart'.

This conceptual preference for a 'Jacobean' period--and 'Caroline' when addressing Charles I--is in recognition that James deserves pride-of-place in any study focusing on governance during his reign. Governance might best be understood as policymaking and administration. No one would support the assertion that James was integral to administration in his realm, but he was the nexus of policymaking. Governance was still a personal art in this period and policymaking a dynamic centered on relationships and communication between James and his ministers, subordinate officials, and 'counsellors'. Chapter 1 is a tour d'horizon of this Jacobean policymaking process in its abstract form and as it applied generally to fiscal policy. Building on the concept of counsel recently offered by John Guy, it casts away structural perspectives which identify policy and governance with administrative and institutional moulds.<sup>43</sup> A formal analysis of this kind taking James' reign as a whole has not been offered before. The final three chapters examine the character of fiscal policy at the same time they demonstrate this process at work in producing those policies. It is hoped these chapters also go some way to dismantling the erroneous perspectives of James as a both a captive to factions or bedchamber cronies and a detached,

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<sup>42</sup>Anthony Weldon, The Court and Character of King James (London, 1651); D. Harris Willson, King James VI and I (London, 1956). Jenny Wormald's new biography of James is eagerly awaited.

<sup>43</sup>John Guy, 'The rhetoric of counsel in early modern England', Hoak, Tudor Political Culture, 321-350.

disinterested monarch who indulged his affection for the chase more than his love of kingship.<sup>44</sup>

Fiscal policy is a continuous strand of governance through which it has been possible to examine the Jacobean polity itself. There has been the chance to learn anew, in some cases for the first time, some of the major and minor personalities of the period, their relationships to one another, and the political philosophies which framed their mental worlds. After as much as thirty years it was time to revisit the mentalities and practices of important ministers like Julius Caesar, Ellesmere, Edward Coke, Cranfield, and even those of more recent subjects like Salisbury, Northampton, Bacon, and James himself. The contest between patronage and governance occurred at the levels of individual projects and fiscal policy, but it also characterized the mental worlds of these figures. They rose and profited by the patronage culture, engaged with its politics, yet held the daily responsibility for the governance of the state and personally had to reckon with competing fiscal demands. Salisbury, for instance, had no pangs of conscience over pocketing £7000 from the silk duty farm while decrying the fiscal disaster of annual deficits exceeding £140,000 and debts reaching toward £500,000. The patronage culture paid the salaries of ministers responsible for deciding the fiscal equilibrium between it and the interests of the state. Cranfield's mental world most resolutely defines this phenomenon.<sup>45</sup> It reveals what is, in effect, the ongoing transformation of the king's servants into the state's servants, taking place on a personal conceptual level.

Finally, fiscal policy was a 'hot topic' in James' parliaments, even the 1624 assembly dominated by foreign affairs, and it has been necessary to revisit that historiographic battleground. In concluding his recent examination of the Addled parliament, Conrad Russell wrote, 'England in 1614 was still a monarchy. It was a monarchy experiencing constitutional conflict. Under James that conflict almost exclusively centered on royal claims to raise money. The conflict did not mark a struggle for sovereignty or for rival constitutional ideas.

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<sup>44</sup>Neil Cuddy, 'The revival of entourage: the Bedchamber of James I, 1603-1625, David Starkey (ed.), The English Court: from the Wars of the Roses to the Civil War (London, 1987), 173-225; Ashton, James I, 8-10.

<sup>45</sup>Below, 233-238.

It marked a simple, plain shortage of money.'<sup>46</sup> Understandably, Russell's assessment is warmly received, but worn shibboleths like sovereignty and constitution remain. This study's insistence upon a Jacobean frame of reference is a function of its belief that the Whig--Revisionist--contra-Revisionist debate has become increasingly circular and anachronistic, representing one of the significant obstacles to detaching the Jacobean and Caroline periods and allowing us to view James and his reign on its own terms--as well as Charles I's. These schools of thought have 'written the book', so to speak, on early Stuart history. This study of crown finance and fiscal policy aims above all else to write a Jacobean book.

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<sup>46</sup>Conrad Russell, The Addled Parliament of 1614: The Limits of Revision (Reading, 1992), 26.

# I

## PROJECTS AND POLICYMAKING

## CHAPTER 1

# The Structure of Policymaking and Crown Finance

### I

Laws and institutions do not govern states. They may serve as guides and tools, but individuals practise the art of governance. The relationships and communication between ministers, crown officers, and the king were the essence of governance in the Jacobean polity.<sup>1</sup> Governance consisted of policymaking and administration (including oversight). The focus of this chapter is policymaking, a process which can be broken into constituent parts for analytical purposes: information, counsel, and decisionmaking.<sup>2</sup> The processing of information in all its forms shaped the content of counsel while the character of this advice and evaluation of it were the crucial elements in producing policy decisions.<sup>3</sup> The personalities of James and his ministers vitally influenced the functioning of this process. James' love of sports and the countryside emulated that of his Tudor predecessors and he, like them, was often on progress from London.<sup>4</sup> James has been crucified for this apparent lethargy and indolence, yet he loved the sport of kingship.<sup>5</sup> The king who wrote so passionately and engagingly about kingcraft is to be thanked for his perambulations. The normal, predominantly verbal process of policymaking--despite the increasing amount of written record that accompanied institutional development--was continued in the only way open to the seventeenth century: it was committed to paper. Surviving, scattered letters and memoranda are the vehicle to recreate the great swirling river of information, advice, discussion, and debate that was the making of fiscal policy. They are also the means to refute arguments that James was detached, disinterested, or uninvolved.

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<sup>1</sup>The importance of communication has been sketched in Kevin Sharpe, 'Crown, Parliament and Locality: Government and Communication in Early Stuart England', *English Historical Review* 101 (1986), 321-350.

<sup>2</sup>The paradigm of counsel employed here is that elaborated in Guy, 'counsel', 292-310.

<sup>3</sup>Despite its focus, the best general analysis of policymaking in terms of communication and interaction amongst policymakers is Alexander L. George, *Presidential Decisionmaking in Foreign Policy: the Effective Use of Information and Advice* (Boulder, 1980), 1-136.

<sup>4</sup>John Nichols, *The Progresses, Processions, and Magnificent Festivities of King James I* (4 volumes; London, 1828). For example, see the record of the summer progress of 1616: PRO SP 15/40/97, fol. 180r (8 September, 1616).

<sup>5</sup>Willson, *James VI and I*, 175-196.



James' movements created two policymaking venues: London (the standing palaces of Whitehall, Westminster, or closely removed at Greenwich and Hampton Court) and the court on progress. These venues determined the surviving evidence from which to reconstruct policymaking. The London forum was dominated by direct, verbal interaction in the formal setting of the privy council—with or without the king—and the personal attendance of ministers and councillors upon James and each other. Despite recent emphasis on the politics of the bedchamber, the privy council is the most conspicuous body in discussions of Jacobean governance.<sup>6</sup> Admittedly it possessed high political status, but the identification of institutional structures with policymaking creates distortions. The loss of the early council registers (1601-1613) in the Whitehall fire has long been accepted as a crippling blow to recreating the council's workings.<sup>7</sup> Recently Pauline Croft alluded to the loss in her introduction to an edited collection of Salisbury's speeches, writing that in 'the absence of the privy council registers for 1602-1613, lost in the Whitehall fire, they provide probably the best single source for James I's relationship with his chief minister.'<sup>8</sup> Yet fragments survived, most notably an abstract of the registers for 1547-1610.<sup>9</sup> It would be preferable to have the actual council books, but the surviving registers make clear they never contained the information necessary for recreating policymaking.<sup>10</sup> The registers record the administrative end-product of policy. Their purpose was not to reveal the personal interactions which were the birth and nursing of policy. Policymaking must be recovered from the letters and papers

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<sup>6</sup>Neil Cuddy, 'The revival of entourage: the Bedchamber of James I, 1603-1625, David Starkey (ed.), The English Court: from the Wars of the Roses to the Civil War (London, 1987), 173-225. The standard study of the privy council is Edward R. Turner, The Privy Council of England in the Seventeenth and Eighteenth Centuries 1603-1784 (2 volumes; Baltimore, 1927), I, 1-214; also Peck, Northampton, 78-101. Sharpe, Personal Rule 262-274; Richard Cust, The Forced Loan and English Politics 1626-1628 (Oxford, 1987), 13-90; Peter Donald, An Uncounselled King: Charles I and the Scottish troubles 1637-1641 (Cambridge, 1990), 1-42; and Sabrina Alcorn Baron, "'The Board did Think Fit and Order': The Structure and Function of the Privy Council of Charles I, c. 1625-41, With Special Reference to the Personal Rule' (unpublished University of Chicago Ph.D. thesis, 1995) provide varying Caroline perspectives.

<sup>7</sup>Acts of the Privy Council of England 1618-1619, 342; Turner, Privy Council, II, 448-454.

<sup>8</sup>Croft, 'Several Speeches', 254.

<sup>9</sup>BL Additional Ms 11402.

<sup>10</sup>This is largely true for the Elizabethan and Caroline registers. Stephen Alford, 'William Cecil and the British Succession Crisis of the 1560's' (unpublished St. Andrews Ph.D. dissertation, 1996) and Baron, 'Privy Council of Charles I'.

of James and his councillors. Counsel and debate would be recorded there--if that was ever to be the case.<sup>11</sup>

At the heart of this approach is archival reconstruction, stitching back together the working papers of James' ministers from the array of collections in which they now reside. The historian becomes the keeper of a 'virtual archive', one of his or her own fashioning. This archive eschews the institutional and definitional preoccupations of Georgian or Victorian archivists and restores the original relationships and purposes of papers belonging to Salisbury and Caesar, Northampton or Cotton, Ellesmere, Cranfield, and the other fiscal minds at James' service. In this respect, the Whitehall fire as an explanation for archival holes is too simplistic.<sup>12</sup> By the account of Thomas Wilson, keeper of the king's records, the greatest dangers to the state papers were his inability to recover papers rightly belonging to James and Robert Cotton's acquisitive habits.<sup>13</sup> He complained to James that since Salisbury's death (1612) he had been unable to recover the French, Latin and Irish papers, numerous council books, and the papers of the disgraced favourite Somerset (Robert Carr, formerly Viscount Rochester), Secretary Ralph Winwood, and Lord Treasurers Dorset and Suffolk.<sup>14</sup> The 'teething problems' of establishing an effective archive were also factors: 'State documents in the early seventeenth century were often kept in a jumbled pile in the Secretary's office, whence many drifted back to private houses. Anyone working on these papers would have found little difficulty persuading the secretaries and keepers to lend them'.<sup>15</sup> The 'virtual archivist' must step into Wilson's shoes and complete his work.<sup>16</sup> Only

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<sup>11</sup>A. G. R. Smith, 'The Secretariats of the Cecils', English Historical Review 83 (1968), 500-502, helps define the importance of the councillors' papers over the institutional records.

<sup>12</sup>Acts 1613-1614, v-viii; also PRO SP 14/105/20x, fol. 29r (12 January, 1619); SP 14/105/20x, fol. 29r.

<sup>13</sup>PRO SP 14/135/14x, fol. 20r (1622?); SP 14/81/69, fol. 120r (24 August, 1615); SP 14/81/69x, fol. 121r-121v (24 August, 1615); Sharpe, Robert Cotton, 58-66.

<sup>14</sup>PRO SP 14/135/14x, fol. 20r; PRO SP 14/118/76b, fol. 106r (1620?); also SP 15/42/91, fol. 150r-151v (1622?) for Wilson on the role of the paper office.

<sup>15</sup>Sharpe, Robert Cotton, 64, 73-74.

<sup>16</sup>In addition to Sharpe, Robert Cotton interesting studies of 'state' papers, including contemporary Jacobean works are BL Harleian Ms 94, fol. 51r-58v; BL Lansdowne Ms 137, fol. 1r-93v (31 December, 1610); Thomas Powell, DIRECTION FOR SEARCH OF RECORDS (London, 1622); R. B. Wernham, 'The Public Records in the Sixteenth and Seventeenth Centuries', Levi Fox (ed.), English Historical Scholarship in the Sixteenth and Seventeenth Centuries (Oxford, 1956), 11-30; also discussions in Graham Perry, The Trophies of Time: English Antiquarians of the Seventeenth Century (Oxford, 1995), 76-77 particularly.



once these papers have been re-integrated, particularly correspondence, is it possible to analyze policymaking.

## II

Policymaking forums (London and James-on-remove) and processes of counsel within them will be examined initially; the elements of information and decisionmaking will be taken up in the following sections. Particularly for the London forum, it is regrettable there were no great diarists among James' councillors and that Salisbury did not possess his father's penchant for pro-contra memoranda.<sup>17</sup> If anyone in Burghley's 'academy' developed related tendencies it was Julius Caesar, who proved a copious writer of notes and memoranda throughout his career (Chancellor of the Exchequer 1606-1614).<sup>18</sup> Yet he left scant council remembrances after two decades as a councillor. A sequence of council meetings in September 1615 are indicative of these evidentiary realities and a striking example of events that never entered the institutional record.<sup>19</sup> 24 September is marked in the register by a letter to the Lord Deputy of Ireland, the appearance of three men on bond, entry of James' formal resolution in a dispute, a passport granted to a preacher for the Turkey Company in Constantinople, and a letter to the bailiff of Jersey to grant re-trial to a petitioner.<sup>20</sup> Detailed minutes composed afterward report that James assembled his councillors at Greenwich that day and sought their counsel on means of clearing his debts.<sup>21</sup> He was interested in retrenchment, but others argued parliament was the only way.<sup>22</sup> The motion raised, James commanded them to debate the question and, if they opted for parliament, devise preparation that would give hope of a better outcome than the Addled Parliament (1614).<sup>23</sup> On 25 September, the day the register records an appearance by five bonded servants and another

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<sup>17</sup>For instance BL Cotton Ms Caligula B X, fol. 86r-88v ([August?], 1559) and HH Salisbury Ms 155, fol. 124r-124v (16 October, 1568). I am indebted to Stephen Alford for our many discussions of William Cecil's working habits.

<sup>18</sup>Hill, Bench and Bureaucracy, 6.

<sup>19</sup>I am grateful to Professor John Guy for drawing my attention to this document when I began work on this subject in the fall of 1993.

<sup>20</sup>Acts 1615-1616, 285-290.

<sup>21</sup>BL Harleian Ms 4289, fol. 224r. The report was probably made at the suggestion of the Earl of Exeter. J. D. Alsop, 'The Privy Council Debate and Committees for Fiscal Reform, September 1615', Bulletin of the Institute of Historical Research 68 (1995), 191-192.

<sup>22</sup>BL Harleian Ms 4289, fol. 224r.

<sup>23</sup>BL Harleian Ms 4289, fol. 224r.

passport granted, James' councillors met at Whitehall and concluded parliament was his only hope.<sup>24</sup> The following day was appointed to discuss preparation for an assembly, but councillors who were not entirely happy with the decision attempted to draw the agenda back to retrenchment. We know only that 'after sum dispute ye former resoluton was confirmed' and the debate was rescheduled for the 28th.<sup>25</sup>

After two disastrous parliamentary sessions (1610 and 1614), the significance of such debates cannot be overstated.<sup>26</sup> Eighteen privy councillors forthrightly ventured their opinions on steps necessary for a successful parliament, but our only 'complete' report is Harleian manuscript 4289, of which a partial version survives in the State Papers.<sup>27</sup> J. D. Alsop recently studied these, but could not ascertain their authorship.<sup>28</sup> In fact, Thomas Lake, the junior secretary who spoke commandingly during the final debate, was the author.<sup>29</sup> Yet even this is once removed from the actual give-and-take, written and corrected after the fact. The closest account of the actual meeting was recorded by Ellesmere, who made personal notes as the discussion unfolded.<sup>30</sup> The original altercations over parliament, arguments advanced by those opposed, and the response of others would have been fascinating.<sup>31</sup> Political sensitivity surely deterred Ellesmere and Lake from recording those disputations with the same attentiveness as they did the final meeting.<sup>32</sup> Similar considerations are largely responsible for the registers' sterile character, the outright exclusion

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<sup>24</sup>Acts 1615-1616, 290-291; BL Harleian Ms 4289.

<sup>25</sup>BL Harleian Ms 4289, fol. 225r. The Council of the register busied itself on 26 September with more passports, the Venetian ambassador welching on his debts to 'divers inhabitants of the cittie of London' and a building dispute. Acts 1615-1616, 291-292.

<sup>26</sup>Below, 202-215.

<sup>27</sup>BL Harleian Ms 4289, fol. 224r-233r; PRO SP 14/81/115, fol. 184r-198r.

<sup>28</sup>Alsop, 'Fiscal Reform', 192.

<sup>29</sup>The partial report is a corrected draft by Lake; the changes were incorporated into the full report. PRO SP 14/81/115, fol. 184v and 186v for examples of corrections. The inclusion of the amendments into the Harleian version was noted by Alsop, but he seems not to have recognized them as being in Lake's hand; while each councillor's opinions are recounted in the third person except for Lake's. Alsop, 'Fiscal Reform', 191. The State Papers account is undoubtedly a partial copy of the corrected draft of the report made by Lake (from his notes), a complete version of it once existed and, though now lost, formed the basis of the Harleian copy.

<sup>30</sup>HHL Ellesmere Ms 2628. Two other examples of notes by Ellesmere are Ellesmere Ms 441 (July, 1615) and 445 ([1616]).

<sup>31</sup>BL Harleian Ms 4289, fol. 224v-225r.

<sup>32</sup>Alsop, 'Fiscal Reform', 195-196 has argued that 'no' annotations by Ellesmere in his personal notes illuminate some of these divisions, but the discrepancies between Ellesmere's jottings and Alsop's criteria leave the argument open to disagreement.

of clerks from debates, and the paucity of personal minutes.<sup>33</sup> Nevertheless, the evidence suggests that conciliar disputation was common, as was James' involvement.

Patterns in London also emerge from Caesar's journal of Salisbury's first months as lord treasurer (1608).<sup>34</sup> He recorded Salisbury's centrality and the regular interaction of James' ministers in council or otherwise. Many of Salisbury's days were taken up with the barons in Exchequer causes, handling business in the Wards, or presiding over active revenue commissions. On days when Salisbury 'sat with other ll[ord]s' upon commissions, he was often sitting with his conciliar colleagues wearing different hats.<sup>35</sup> On other occasions Salisbury was 'w[i]th the king & w[i]th the ll[ords] in Counsell touching the affaires of State'.<sup>36</sup> These were days during which James was attended by Salisbury and his councillors, perhaps in formal council, as well as the council itself meeting, and Salisbury personally attending his master. A surviving memorial of business in James' hand signposts this complex interaction. For their usual Sunday meeting, James divided the agenda into matters for the council, Salisbury, and the Archbishop of Canterbury.<sup>37</sup> Idle beggars, vagabonds, and the abuses of hospitals and alms houses found their way into the council agenda, along with 'compte taking of some of my greate officers' and 'praeparation for the parliament'; 'with the beagle', James would discuss the park at Nonsuch, a letter to Ralph Winwood in the Low Countries, the French and Spanish ambassadors, the examination of Thomas Douglas (over a forged letter to the Magistrates of Cologne<sup>38</sup>), and the 'pairtenaris suite' of Arthur Aston and 'Charles his maister'; Canterbury would be dealt with for 'papistes conclusions in

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<sup>33</sup>As for the registers, 28 September passed with business on the dispute between Lords Willoughby and Norris, and assisting Abraham Derkinderen to recover £400 worth of pearls sewn into a dress of 'the Ladie Arbella [Stuart], now lately deceased'. *Acts 1615-1616*, 293-294.

<sup>34</sup>BL Lansdowne Ms 168, fol. 297r-307v; also L. M. Hill, 'Sir Julius Caesar's Journal of Salisbury's First Two Months and Twenty Days as Lord Treasurer: 1608.' *Bulletin of the Institute of Historical Research*, 45 (1972), 311-327.

<sup>35</sup>BL Lansdowne Ms 168, fol. 304r-305r.

<sup>36</sup>BL Lansdowne Ms 168, fol. 300v. Such days were 29 May and 5, 12, 24, 26 June. Lansdowne Ms 168, fol. 298r-300v. State business (usually undefined) was also the agenda for 8, 11, 14, 16, 17, 22 May; 1, 4, 8, 10, 14, 15, 19 June; and 17, 19, 21 July. BL Lansdowne Ms 168, fol. 297r-303r.

<sup>37</sup>PRO SP 14/14/51, fol. 115r. 'Memoreall for Sondaye', the document is provisionally dated to 21 June from internal evidence which would make the Sunday in question 23 June, 1605.

<sup>38</sup>Douglas passed himself off as an ambassador of the king to the Elector Palatine, was found out, and quickly returned to London where, after examination and confession, swiftly lost his life for his antics. See PRO SP 14/14/50, fol. 112r-113v and SP 14/14/50I, fol. 114r-114v for his examination on 21 June, 1605, the internal evidence on which the king's memorial is provisionally assigned to the same day. Also *HMC Salisbury*, XVII, 271-272, 276-277, and 291-292.

generall...Worcesters comission in particulaire' and Richard Murray.<sup>39</sup> James was preparing to be king-in-council and king with his minister(s).<sup>40</sup>

Lord Treasurer Dorset (1599-1608) wrote copiously in the course of his duties (regularly to Salisbury), frequently complaining how and why James' coffers were empty and that God alone knew how they could be replenished.<sup>41</sup> The ageing treasurer was often at the mercy of a fantastic variety of 'phisiks' and he seems to have found 'working at home' preferable.<sup>42</sup> One letter to Salisbury in October 1605 effectively summarizes the bustling activity that was counsel, policymaking, and judicial responsibility while James was at Westminster. 'My lord,' he wrote, 'acording to my promise I attended here in court from our coming from the star chamber until five of the klok to have ioind with your Lo[rds]hip] toching some good cours for the French merchautes, but considering how late it was & that at your Lo[rds]hip's] return from the tower it was likely that you wold strait to the king to report what was doon theare & I also having much busines to dispatch at home, I went away ready & willing to mete you at any time & place when soever you will apoint... I taried the half hour after fyve.'<sup>43</sup> These records are interesting, but inadequate. We can see the London chessboard and its policymakers, but relationships and communication are largely elusive. James' progresses and his ministers' sojourns have more to tell us because counsel and policymaking found their way onto paper, most often in correspondence.

James' ministers were not wholly prepared for the activist, peripatetic king they acquired at the old Queen's death. Elizabeth's later years had seen a hardening of the "'Court" council', increasingly fixed at Whitehall, and characterized by the 'distant, less urgent monarchical control of a semi-deified Gloriana'.<sup>44</sup> They adapted to the regular running of posts, but it was thought necessary to have formal instructions for James' absences.<sup>45</sup> When

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<sup>39</sup>PRO SP 14/14/51, fol. 115r.

<sup>40</sup>HH Salisbury Ms 134, fol. 51r (undated) for another memorial by James.

<sup>41</sup>BL Additional Ms 36767, fol. 92r (30 May, 1607).

<sup>42</sup>Dorset house was a victim of the Great Fire (1666) and Dorset's government papers were held there; if any survived, they have yet to be found in significant numbers. *HMC Sackville*, I, xiii-xiv. Here is an model case in which Thomas Wilson failed to recover papers for which he pressed the king to issue warrants to that end. PRO SP 14/118/76b, fol. 106r.

<sup>43</sup>HH Salisbury Ms 112, fol. 163r (5 October, 1605).

<sup>44</sup>John Guy, *Tudor England* (Oxford, 1988), 310 and Cuddy, 'entourage', 173.

<sup>45</sup>PRO SP 14/12/13, fol. 17r (9 January, 1605).



James departed London matters might arise other than those 'which wee left last in memoriall (with you o[u]r principall Secretarie) to bee debated of by o[u]r Councell'.<sup>46</sup> The councillors were to assemble once a week before Queen Anna and stand ready to meet oftener at Cecil's order for acquaintance of James' pleasure or other matters of importance.<sup>47</sup> In practice of course they met more often, as Caesar's diary demonstrates.<sup>48</sup> James would return if matters warranted, but he expected Cecil to diligently acquaint him how 'all thinges passe amonge yow whereby wee maie either send yow our approbacon or geve yow some further direcons'.<sup>49</sup> The instructions were practical and the firm command given to Cecil was likely to head off any presumptions that might develop in James' absence.<sup>50</sup> The council praised James' 'resolution to hold ye middle path betweene necessarie cares & necessarie repose', but these instructions formally established the exercise of James' personal rule outside London.<sup>51</sup> The extraordinary amount of surviving correspondence is testimony to the existence of this system.<sup>52</sup>

The post was the practical link in the continuance of governance and its functioning was closely monitored.<sup>53</sup> Its failure to appear in the morning always irritated James. 'I fownd great laziness in the postes', the earl of Worcester wrote, 'The king was very inquisityve all the morning what myght bee the cause, examining the howrs and myles, concludyng it could be no other but the post was sonke'.<sup>54</sup> Delays brought sharp comments: 'The letters from my Ll[ords] of the Councell with the dispatch for Ireland came hither this evening after fowre of ye clock ... which is not much above two myle an howre to[o] slow for anie specill service of his Ma[jes]ty if cause shalbe of more hast[e]'.<sup>55</sup> Between 1604 and

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<sup>46</sup>PRO SP 14/12/13, fol. 17r-17v.

<sup>47</sup>PRO SP 14/12/13, fol. 17r-18r.

<sup>48</sup>BL Lansdowne Ms 168, fol. 297r-307v.

<sup>49</sup>PRO SP 14/12/13, fol. 18r.

<sup>50</sup>PRO SP 14/12/14, fol. 19r-22v.

<sup>51</sup>PRO SP 14/12/20, fol. 35r.

<sup>52</sup>Also Pauline Croft, 'Robert Cecil and the Early Jacobean Court', Linda Levy Peck (ed.), The Mental World of the Jacobean Court (Cambridge, 1991), 135-139.

<sup>53</sup>Joan Parkes, Travel in England in the Seventeenth Century (Oxford, 1968), generally and 225-231 with specific reference to the king's travels. For instance James' proclamations for the better ordering of the posts between 1604 and 1609. James F. Larkin and Paul L. Hughes (eds.), Stuart Royal Proclamations Volume I Royal Proclamations of King James I 1603-1625 (Oxford, 1973), 74-82 and 219-224.

<sup>54</sup>HH Salisbury Ms 127, fol. 108r (Worcester to Salisbury; 24 July, [1609]); Salisbury Ms 104, fol. 121r-121v (2 April, 1604).

<sup>55</sup>HH Salisbury Ms 123, fol. 93r (5 December, 1607); also Salisbury Ms 128, fol. 1r-3v (10 October, 1609).

1611 Salisbury was the chief, but not sole, terminus for James' letters.<sup>56</sup> When not written by James personally, they were usually composed at his command, frequently by Thomas Lake and Roger Aston. Nearly every letter from court commenced with a note of when the original letters which occasioned the response arrived and James read them. Aston wrote to Salisbury, 'I receaved y[ou]r L[ordships] letteres this Sondaye the vj att X in the fore noone derved from Witt Hale yesternyght att xij a cloke, this enclosed his Ma[jes]ty has amended in thre sondry plyces, his desyerr is thatt yo[u]r L[ordship] wold send it awaye with as much sped as yow maye'.<sup>57</sup> These statements occur like salutations, but demonstrate that for nearly every letter or packet leaving court, one had arrived from Salisbury or another minister. However, few of the original letters sent to court before 1612 have survived; the small number of Salisbury's which have are often drafts.

Before writing off those letters to the usual gremlins of ignorant clerks, damp, vermin, and the Whitehall fire, more than a few may have gone up in smoke of a different kind. The earl of Northampton's discreet nature--or suspiciousness with the taint of treason heavy in his family?--seems to have made him nervous of committing things to paper. While James was at Royston he wrote Lake: 'Worthy knight I must entreat you over againe to doe me the same favor you did in presenting unto his M[ajes]ty the first frutes of this dayes worke at the starr chamber, which I knowe will be very acceptable to him, and yet wold faine have my letter burned'.<sup>58</sup> Northampton's intent was clearer three days later: 'I have yealded his M[ajes]ty ... a very iuste account of this daies labor wholly spent about the reformation of his howse, the flawes and excessis of which are infinit.... beseche his M[ajes]ty from me to burne this letter with his owne hande when he hath perused it for it is trewe that I forgate to put him in minde to make it a marty'.<sup>59</sup> Sorting out James' household was politically unenviable, but Northampton's caution seems not to have been reserved for treacherous waters.<sup>60</sup> '[I]f the kinge forget instantly to burne my letters', Northampton explained, 'put him in minde from

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<sup>56</sup>The process is illuminated particularly well in Levinus Munck's court journal from 1603-1605. HH Salisbury Ms 278.

<sup>57</sup>PRO SP 14/66/54, fol. 110r (6 October, 1611).

<sup>58</sup>PRO SP 14/15/93, fol. 154r (18 October, 1605).

<sup>59</sup>PRO SP 14/15/97, fol. 158r (22 October, 1605).

<sup>60</sup>HH Salisbury Ms 189, fol. 1r-1v.

me, for I wold be loth that all the groomes of his chamber should eyther reade what I write ore divulge what I delivere, for my [ode] tells me when the kinge is heer that letters are a praye which many hunt after.'<sup>61</sup> Northampton's letters did not meet their hoped-for fiery end, but they may have been the exception. Roger Aston wrote Salisbury: 'after he [James] had red the yerle of Norhamttones letter he cast it in the fyre saing he wuld **commett thatt to the same cabinett to kepe that kepeed all the rest**, after it was burntt he repentedt and sayd there was so good sportes in it as he was sorry it was burntt.... for yor L[ordships] letter it was as his Ma[jes]te sayd vere fantastike and wold have it keped tel the nextt morning att wich tyme he called for it, agane red itt and so committedt it to the fyre'.<sup>62</sup>

The prospect of James regularly burning his ministers' letters or the grooms of the chamber spiriting them away for their own reasons to unknown places is tantalizing. It seemingly explains the scarce evidence of the counsel James received, but does nothing to undermine arguments for the vibrancy of the process. The clearest examples of the counsel offered James survive in the remarkable series of original letters and drafts composed by Northampton for the king and Somerset.<sup>63</sup> It is clear from these letters that the axis of fiscal policymaking after Salisbury's death became that of Northampton and James with Somerset as the cipher. Northampton's own demise (1614) and the appointment of his nephew, Suffolk, to the treasurership ushered in a diffusion of counsel and leadership, reflected in the archives. It is for this period (1614-1617) when Wilson's inability to recover papers belonging to Secretary Winwood and Suffolk most impacts our picture of policymaking, but the papers of Ellesmere and Cranfield, in particular, evidence a sometimes competitive conciliarism in fiscal policy. This process did not play out until the appointment of Cranfield as lord treasurer in 1621, a renewal of strong fiscal leadership reflected in Cranfield's massive collection of working papers, ones which provide us with some of the most dramatic

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<sup>61</sup>PRO SP 14/15/87, fol. 146r (13 October, 1605).

<sup>62</sup>HH Salisbury Ms 123, fol. 104r-104v (10 December, 1607); emphasis mine. Nor was it alone, as Aston reported the same fate for another of Salisbury's letters, 'wich came to my hand this Tewesday att nyght, the xxix of this enstand ... the letter enclosed his Ma[jes]te presently burntt.' HH Salisbury Ms 126, fol. 74r. The paucity of Buckingham's letters to James is remarkably similar. BL Harleian Ms 1581, fol. 1r; Thomas Cogswell, *The Blessed Revolution: English politics and the coming of war, 1621-1624* (Cambridge, 1989), 64.

<sup>63</sup>Chiefly CUL Cambridge Library Ms Dd.III; BL Cotton Titus C VI; *CSPD 1611-1618*, 133-219.

moments of James' involvement in fiscal policy. It was through these shifting relationships and avenues of counsel that policymaking occurred.

### III

While personal attendance and correspondence were the chief means of offering counsel, this counsel was frequently the product of processing experience and various information streams including administrative documents, petitions and suits, and historical records or precedents. They yielded interconnected counsel benefiting a minister's own interests (personal), furthering work with colleagues (collegial), and advising the king (primary). The archival evidence for these functions is abundant in two respects: attention to the management of information and the character of ministerial collections.

The distinction between personal and professional papers was in its infancy--Thomas Wilson's self-serving quest to secure ministerial archives was a precursor to a stricter demarcation. It must be recognized that collections, 'private or public,' constantly served the causes of governance. Arthur Agarde's 1610 treatise on the organization of the king's papers is remarkable for this utilitarian perspective.<sup>64</sup> For instance, Agarde rationalized treaties according to country, endorsed and dated each, appended similar pertinent information, and tagged the boxes and bags of treaties appropriately. He catalogued the treaties and deposited the record at Westminster for when 'they shalbe called for by the Kinge or his Counsayle as in this book and the Kalendar thereof may plainly appeare'. Foreign and domestic papers, the latter largely fiscal documents, in four different repositories (Exchequer of receipt, Whitehall, Westminster abbey and cloister) were similarly dealt with. Agarde concerned himself not only with enhancing the use of the papers, but preserving them for their functional value. Fire and water were obvious dangers. Rats and mice ate through boxes and 'manie goodlie recordes have been spoyled with that kinde of vermin by gnawinge yea and as evill as that by pissing upon them'. Misplacing must be avoided, Agarde counselled, while outright theft occurred as numerous crown officers called for and kept papers despite demands for their return. Wilson defended his office in 1622--ironically against charges of being a 'newe office' and therefore a target for retrenchment--along utilitarian lines which

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<sup>64</sup>BL Lansdowne Ms 137, fol. 1r-93v (31 December, 1610); another copy BL Harleian Ms 94, fol. 51r-158v.



were not wholly disingenuous: 'great officers and counsellors have made that use of it and me that many of them that are yett alive will saye it is not an office to smale purpose.'<sup>65</sup> Cotton was Wilson's great bogeyman in respect of purloined papers, yet Cotton could well have defended his library's utility on the same lines.<sup>66</sup> Cotton's fragmentary borrowing records reveal how often his holdings were employed by James' ministers while his personal service to councillors like Northampton is well known.<sup>67</sup> The 'king's papers' and individuals who presided over collections were much more than antiquarian in orientation. Both were elements in the process of governance and formulation of counsel.

The collections of most Jacobean ministers who were central to fiscal policy have survived in some recognizable form and can be subjected to archival reconstruction.<sup>68</sup> None better reflect the processing of information and the resultant progressions through personal, collegial, and primary counsel than Caesar's or Ellesmere's. If there was a fiscal policy workhorse in James' first decade, it was Caesar. Robert Cotton's library is renowned, but it should not overshadow Caesar's as a pre-eminent Jacobean policymaking archive. The sense of history, devotion to precedent, and humanist mind which characterized Cotton's collections are true of Caesar's. Caesar also painstakingly organized and catalogued his library of nearly 200 volumes.<sup>69</sup> Caesar consistently composed memoranda to counsel his own actions, evaluate the course of present policy, and chart future initiatives, work which often seamlessly formed the basis of his collegial and primary counsel, particularly in partnership with Salisbury and, later, Northampton.

Fiscal reclamation became James' great matter in August 1607, replacing Union, and Salisbury headed a triumvirate including Caesar and Dorset in directing policy.<sup>70</sup> Caesar

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<sup>65</sup>PRO SP 15/42/91, fol. 150r-151v (Wilson to [Secretary Calvert]; [1622?]).

<sup>66</sup>Sharpe, *Robert Cotton*, 58-66.

<sup>67</sup>BL Harleian Ms 6018, fol. 148r-185r; Peck, *Northampton*, 101-121.

<sup>68</sup>The ministers and major collections are: Caesar, BL Additional and Lansdowne Manuscripts; Salisbury, PRO State Papers Domestic and HH Salisbury Manuscripts; Northampton, PRO State Papers Domestic, BL Cotton Manuscripts, and Cambridge University Library Ms Dd.III; Suffolk, PRO State Papers Domestic and OBL Carte Ms 121-123; Ellesmere, HHL Ellesmere Manuscripts; Cranfield, PRO State Papers Domestic, CKS U269/1 [Cranfield Manuscripts], and BL Harleian Ms 1580-1581.

<sup>69</sup>The best sources for reconstructing Caesar's library are BL Lansdowne Ms 123 (printed auction catalogue of Caesar's library) and 124 (Caesar's own catalogue of his collection).

<sup>70</sup>HH Salisbury Ms 193, fol. 137r (15 August, 1607); BL Additional Ms 36767, fol. 123r-124v (16 September, 1607); Salisbury Ms 122, fol. 72r (20 September, 1607); BL Lansdowne Ms 165, fol. 106r (17 October, 1607).

fashioned a complete assessment of James' estate out of two earlier reports, documentary templates which his chancellorship brought to Jacobean fiscal policy.<sup>71</sup> The first was a breakdown of revenues and expenditures with periodic revisions.<sup>72</sup> These figures were the basis for the next document, a comparison of Jacobean expenditure with similar Elizabethan charges.<sup>73</sup> These juxtapositions ushered in a decades-long quest for solvency by parroting Elizabethan numbers, a fatuous ideal counselled by Salisbury, the conciliar regimes, and Cranfield in turn. At the bottom of the document Caesar penned the consequent axioms: 'The meanes to abate the p[re]sent charge, must bee an abstinence fro[m] giving any thing belonging to the k[ing]s reueneu; an abatement of the s[ai]d increases of charge either in whole or in p[ar]t ... & by increasing the reueneu w[i]thout co[m]mitting either against the lawe or the co[n]ueniency of the pollicy of this estate.'<sup>74</sup> When Caesar revisited these principles he added that unless deficits could be permanently cured, royal debts would speedily grow to their former levels or worse despite any efforts to pay them. Caesar's was a strong blend of prescriptive and political counsel, at once offering succinct, fiscal courses of 'princely parsimony' and projects for raising ready money and yearly revenues while counselling against the political dangers of new commercial impositions and the unlikelihood of successfully exploiting parliamentary revenue.<sup>75</sup> Caesar's 'Notes for my ll[ord]s' represent a mindset held in common with his colleagues. Deficits grew into a frightening debt and both must be cured by retrenchment, improvements, and new revenues. James shared their thinking: 'for the matter of my rentis [finances], quhiche I can not denye, stikkess much in my mynde, till I see it come to some goode & certaine ende ... I meane by all the pairts thair of as

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<sup>71</sup>BL Additional Ms 10038, fol. 301-302v (drawn originally on 8 September, 1606; revised by Caesar on 20 September, 1607), 303r-305v (September, 1606), 306r-311v (17 September, 1607). Later assessments of Caesar's include Additional Ms 10038, fol. 28r-30v (28 August, 1609); BL Lansdowne Ms 151, fol. 32r-46v (17 August, 1610); Lansdowne Ms 165, fol. 138r-139v (2 January 1610[1611]; revised by Caesar on 12 October, 1611); Lansdowne Ms 165, fol. 148r-149v (16 January, 1610[1611]; revised by Caesar on 16 January, 1611[1612] and 26 April, 1614); Lansdowne Ms 165, fol. 211r-212v (1 June, 1612); Lansdowne Ms 165, fol. 223r-226v (18 March, 1612[1613]; revised by Caesar on 1 June, 1613)

<sup>72</sup>BL Additional Ms 10038, fol. 301r-302v.

<sup>73</sup>BL Additional Ms 10038, fol. 303r.

<sup>74</sup>BL Additional Ms 10038, fol. 303r.

<sup>75</sup>BL Additional Ms 10038, fol. 306r-311v.

well addition & multiplication of meanes, as by reformation of abusis, & substraction of unnecessarie & not honorable chaarges.<sup>76</sup>

Caesar's counsel was distilled from blends of administrative information, historical record, and experience. Ellesmere took the same elements and added liberal measures of precedent. His was the archetype of the legal mind turned to fiscal policy. An interest in trade and hostility toward aliens drove Ellesmere's mind toward strict enforcement of multifarious statutory restrictions on foreign merchants, both for revenue and as projects to enhance commercial wealth.<sup>77</sup> Ellesmere conducted an impressive examination of the fiscal utility of the prerogative's legal dimensions.<sup>78</sup> Perhaps believing James incapable of ever restraining his bounty, he particularly cast about for legal precedents and judicial mechanisms to cancel grants, sack time-serving officers, and sue corrupt administrators, finding sanction in precedents as diverse as the prosecution of Edward I's master carpenter for stealing nails.<sup>79</sup> Ellesmere informed and advised himself with many such memoranda and they influenced the performance of his office and translated into collegial and primary counsel. This is dramatically seen in the September 1615 council debates over parliament and fiscal policy in which numerous personal memoranda by Ellesmere underpinned much of the formal, written counsel he offered his colleagues and (once removed) James.<sup>80</sup> Jacobean fiscal policy was formed out of just these transformations of information and experience into ascending levels of personal, collegial, and primary counsel.

#### IV

Information and counsel may have served personal and collegial needs, but James' ministers would have agreed as one that counsel foremost answered their master's demands. Counsel, good, bad, or indifferent in practice, was the basis of decisionmaking, a prerogative wholly possessed by the king. Further, James' personality and exercise of kingcraft defined the political culture in which the process of governance took place. This section will examine the synergistic elements of personality, political philosophy, and political culture which both

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<sup>76</sup>HH Salisbury Ms 134, fol. 84r ([3 December, 1607]).

<sup>77</sup>HHL Ellesmere Ms 465, 1216/4 [Ellesmere's pagination], 1672, and 1673.

<sup>78</sup>HHL Ellesmere Ms 476.

<sup>79</sup>HHL Ellesmere Ms 1216/1 and 476.

<sup>80</sup>Below, 206-209.

shaped and reflected James' style of kingship. James defined the process of governance and put himself at the center of policymaking and decisionmaking. An accurate study of fiscal policy must acknowledge and explore James' place in governance.

James remains a difficult figure for historians as king and individual: complex, emotive, contradictory, possessed of wit and temper, moved by conviction, endowed with a dynamic sense of self; in short, uniquely human. Isaac Disraeli speaks to anyone taking a fresh look: 'Many years ago I set off in the world with the popular notions of the character of James I.; but in the course of study, and with more enlarged comprehension of the age, I was frequently struck by the contrast of his real with his apparent character; and I thought I had developed those hidden and involved causes which have so long influenced modern writers in ridiculing and vilifying this monarch.'<sup>81</sup> Jenny Wormald and Maurice Lee have taken up Disraeli's standard most fervently.<sup>82</sup> Out of their work, James has emerged as a remarkably adept king of Scotland, particularly before 1603.<sup>83</sup> The Scottish polity's essential feature was the need for 'personal intervention by a king who stepped down from his throne and joined in as one of the protagonists in the hurl-burly of debate.'<sup>84</sup> Rule was personal or it faltered: James 'had a profound belief in the importance of personal contact, not only with the crown's servants but also, crucially, with his opponents. This was effective kingship in Scotland.'<sup>85</sup>

The kingship of James VI was an inseparable marriage of political theory and practical politics. Just as Elizabeth's childhood and education shaped her queenship, so James' upbringing was instrumental. The learned but adamant George Buchanan set a 'rigid and wearying' schedule of history, Greek, and Latin followed after dinner by

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<sup>81</sup>Isaac Disraeli, An Inquiry into the Literary and Political Character of James the First (London, 1816), vii.

<sup>82</sup>Wormald, 'King James VI and I' and her Court, Kirk, and Community: Scotland 1470-1625 (London, 1981) and 'James VI and I, Basilikon Doron and The Trew Law of Free Monarchies: the Scottish context and English translation' in Peck, Mental World, 36-54. Also Jenny Wormald, 'One king, two kingdoms', Alexander Grant and Keith J. Stringer (eds.), Uniting the Kingdom? The making of British History (London, 1995), 123-132; Jenny Wormald, 'James VI, James I and the Identity of Britain', Brendan Bradshaw and John Morrill (eds.), The British Problem, c. 1534-1707: State Formation in the Atlantic Archipelago (London, 1996), 148-171. Lee, Government by Pen and Solomon; Maurice Lee, Jr., 'James I and the Historians: Not a Bad King after all?', Albion 16 (1984), 151-163. Important earlier reassessments are Mark H. Curtis, 'Hampton Court Conference and its Aftermath', History 46 (1961), 1-16 and Schwarz, 'James I', 114-134.

<sup>83</sup>Wormald, Court, Kirk, 156. James' own assessment of his power and authority as king of Scotland, delivered during the Union debates in 1607, is interesting. King James VI and I, Political Writings, ed. Sommerville, 171-178.

<sup>84</sup>Wormald, 'James VI and I', 197.

<sup>85</sup>Wormald, 'James VI and I', 197. Also Lee, Solomon, 35.



composition, dialectics and rhetoric, and, time permitting, arithmetic and cosmography.<sup>86</sup> James 'absorbed it all and became in his turn a genuine intellectual ... one of the most learned and intellectually curious men ever to sit on any throne.'<sup>87</sup> Poetry, theology and kingship fired James' mind throughout his life and found regular expression in speech and writing.<sup>88</sup> The political theory James' received was Buchanan's, his mother's 'most outspoken and vicious critic whose personal attack on her had been subsumed into a political theory which made James's power ultimately dependent on the will of the community.'<sup>89</sup> James reacted against these ideas and embraced Guillaume Bude's Institut du Prince and Jean Bodin's Six livres de la republique.<sup>90</sup>

At the centre of James' political theory was the complete refutation that anyone 'will judge and give law to their king, but will be judged nor controlled by none'; these were dreadful hallmarks of a *regimen popolare*.<sup>91</sup> The protection of his authority, of his royal prerogative, was the theoretical underpinning of James' kingship in Scotland and as king of Great Britain. In Scotland this meant asserting royal dominion over the nobility, kirk and parliament.<sup>92</sup> By 1597, as Jenny Wormald has written, James' 'control of the church and state was becoming irresistible. And after, 1596, he settled down to write about it.'<sup>93</sup> The Trew Law of Free Monarchies and Basilikon Doron made the future James I of England remarkable for not 'since Alfred had a ruler combined the practice and theory of kingship in his own person.'<sup>94</sup> These political works remain debating topics, but are no longer

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<sup>86</sup>Lee, Solomon, 32; J. H. Burns, The True Law of Kingship: Concepts of Monarchy in Early-Modern Scotland (Oxford, 1996), 191-196.

<sup>87</sup>Lee, Solomon, 32; Wormald, 'Basilikon Doron', 36-37.

<sup>88</sup>Lee, Solomon, 32. King James VI and I, Political Writings, ed. Sommerville; C. H. McIlwain (ed.), The Political Writings of James I (Cambridge, MA, 1918); Wormald, 'Basilikon Doron'; James Doleman, "'A King of thine own heart': The English Reception of King James VI and I's Basilikon Doron', The Seventeenth Century IX (1994), 1-9; Kevin Sharpe, 'Private Conscience and Public Duty in the Writings of James VI and I', John Morrill, Paul Slack, and Daniel Woolf (eds.), Public Duty and Private Conscience in Seventeenth-century England: Essays Presented to G. E. Aylmer (Oxford, 1993), 77-100.

<sup>89</sup>Wormald, 'Basilikon Doron', 43; Burns, True Law, 196-209; Goodare, 'Estates', 17-19.

<sup>90</sup>Wormald, 'Basilikon Doron', 43; Burns, True Law, 226. Also, Roger A. Mason, 'Imagining Scotland: Scottish political thought and the problem of Britain 1560-1650' in Roger A. Mason (ed.), Scots and Britons: Scottish political thought and the union of 1603 (Cambridge, 1994), 9-10.

<sup>91</sup>Quoted from Basilikon Doron in Wormald, 'Basilikon Doron', 47. James was addressing the Melvillian challenge to his religious authority. Wormald, Court, Kirk, 148-149.

<sup>92</sup>Lee, Government by Pen, 7-9.

<sup>93</sup>Wormald, 'Basilikon Doron', 45.

<sup>94</sup>Wormald, 'Basilikon Doron', 36.



caricatured as blueprints for absolutism.<sup>95</sup> James's themes of kingship are expounded in them and they are, J. H. Burns concludes, 'a unique amalgam of late sixteenth-century royalist ideology with a shrewd appraisal of the problems of royal government in a particular kingdom.'<sup>96</sup>

One cannot but be struck that in James' 'free monarchie' duty might be 'Reciproock and mutuall', but the burden of responsibility weighed most heavily on the sovereign.<sup>97</sup> Drawing on biblical kingship, James defined the monarch as law-giver and judge.<sup>98</sup> The institution of monarchy was of God, but James committed his most powerful argument and sustained exposition to Fergus' establishment of monarchy in Scotland by conquest.<sup>99</sup> James unremittingly drew the origins and authority of law within the monarchical orbit by virtue of that conquest. To 'establish good Lawes to his people, and procure obedience to the same' was the basis out of which the king discharged the other duties of his 'office': minister justice and judgment, advance good and punish evil, decide all controversies that arise among his subjects, be God's minister and punish the evil, and procure the people's peace.<sup>100</sup> It followed, therefore, that a monarch who 'gouernes not by his lawe' cannot satisfactorily account to God 'nor haue a happy and established raigne'.<sup>101</sup> The lawless monarch could never meet the responsibility to 'procure the weal and flourishing of his people, not onely in maintaining and putting to execution the olde lowable lawes of the countrey, and by establishing of new (as necessitie and euill maners will require) ... and to maintaine concord, wealth, ciuilitie among them.'<sup>102</sup> The monarch was 'as a louing Father, and careful watchman, caring for them more then himselfe, knowing himselfe to be ordained for them, and they not for him'.<sup>103</sup>

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<sup>95</sup>Peck, 'Mental World', 13 and Schwarz, 'James I', 128-133. Wormald, 'Basilikon Doron'; J. P. Sommerville, 'James I and the divine right of kings: English politics and continental theory', Peck, Mental World, 55-70; and Paul Christianson, 'Royal and parliamentary voices on the ancient constitution, c. 1604-1621', Mental World, 71-95; Burns, True Law, 222-281 are the most interesting recent engagement over James' writings.

<sup>96</sup>Burns, True Law, 254.

<sup>97</sup>King James VI and I, Political Writings, ed. Sommerville, 63.

<sup>98</sup>King James VI and I, Political Writings, ed. Sommerville, 64-65.

<sup>99</sup>King James VI and I, Political Writings, ed. Sommerville, 66-75.

<sup>100</sup>King James VI and I, Political Writings, ed. Sommerville, 64.

<sup>101</sup>King James VI and I, Political Writings, ed. Sommerville, 75.

<sup>102</sup>King James VI and I, Political Writings, ed. Sommerville, 65.

<sup>103</sup>King James VI and I, Political Writings, ed. Sommerville, 65-66.

The essence of James' theory was that monarchs, in their capacities as lawgivers and judges, were ordained to secure the public good, the commonweal. While a monarch was 'aboue the law, as both the author and giuer of strength thereto; yet a good king will not onely delight to rule his subiects by the lawe, but euen will conforme himselfe in his owne actions thervnto, alwaies keeping that ground, that the health of the common-wealth be his chiefe lawe.'<sup>104</sup> To this end the monarch could interpret, mitigate, even suspend the laws if they proved 'doubtsome or rigorous' and 'vpon causes onely knowen to him.'<sup>105</sup> Nevertheless, 'a good King, although hee be aboue the Law, will subiect and frame his actions' to it and 'vpon the perill of his soule to procure the weale of both soules and bodies, as farre as in him lieth, of all them that are committed to his charge.'<sup>106</sup> In Basilikon Doron, James forcefully reiterated that a 'good King ... emploiet all his studie and paines, to procure and maintaine, by the making and execution of good Lawes, the well-fare and peace of his people ... subiecting his owne priuate affections and appetites to the weale and standing of his Subiects, euer thinking the common interesse his chiefest particular'.<sup>107</sup> Buchanan's instruction is apparent in James' assertion. The hated tutor had argued the commonweal was to be secured 'by applying the maxim *Populi salus suprema lex esto*' while James repeatedly defended his devotion to the peoples' welfare as the supreme law.<sup>108</sup>

Lawlessness and rebellious subjects were Scottish realities. James understandably argued subjects owed their monarch obedience and prayerful acquiescence at the hands of a tyrant.<sup>109</sup> Rebellion was indefensible, yet James articulated the case that the best defense against it was less divine right than good government, preventing the practical causes of a reality not of God's realm, but of his.<sup>110</sup> James advised Prince Henry to daily censure his kingship and reform it appropriately.<sup>111</sup> Proactive kingship will so 'prop the weale of your

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<sup>104</sup>King James VI and I, Political Writings, ed. Sommerville, 75; also Glenn Burgess, Absolute Monarchy and the Stuart Constitution (New Haven, 1996), 40-43.

<sup>105</sup>King James VI and I, Political Writings, ed. Sommerville, 75.

<sup>106</sup>King James VI and I, Political Writings, ed. Sommerville, 75 and 65 respectively.

<sup>107</sup>King James VI and I, Political Writings, ed. Sommerville, 20.

<sup>108</sup>Burns, True Law, 202.

<sup>109</sup>King James VI and I, Political Writings, ed. Sommerville, 75-84.

<sup>110</sup>King James VI and I, Political Writings, ed. Sommerville, 30-31.

<sup>111</sup>King James VI and I, Political Writings, ed. Sommerville, 17-18.

people, with prouident care for their good gouernment, that iustly Momus himselfe may haue no ground to grudge at'.<sup>112</sup> Tension was inherent to James' theory. He regarded his Scottish coronation oath as 'the clearest, ciuill and fundamentall Law' defining the king's office as *salus populi*, but denied it represented a contract with anyone but the almighty, certainly not the subject.<sup>113</sup> Further, applying the precedent of 'contract law', James asserted only God could judge whether his government advanced the public good.<sup>114</sup> This meant that in the realities of earthly government, James alone held the power to define *salus populi* and judge his effectiveness in achieving it. Public good and policy, the essence of governance, was a debate between James and his God and only at the king's discretion did the wider body politic have a place in the dialogue. This was James' refutation of Buchanan's assertion in *De jure regni apud Scotos* that a 'king must have a council of wise men and must permit himself to be guided by them' in the law's 'interpretation and application'.<sup>115</sup> As James was reported to have said in 1622: 'he would govern according to the good of the common weal, but not according to the common will.'<sup>116</sup>

Self-evidently, practical governance in Scotland under James was not a conversation of one, but of many.<sup>117</sup> Counsel was the process by which the Scottish political nation, like its English counterpart, joined the dialogue of public good and policy.<sup>118</sup> James took counsel widely, in defiance of boundaries of institutions and traditions, and created a competitive policymaking environment. The personal nature of James' kingship and his studied involvement of magnates, lesser nobility, and the new professional class in governance were integral.<sup>119</sup> The Scottish court also reflected and furthered competitive policymaking. Henry Wotton informed Robert Cecil that it was 'ruled more in the French than in the English

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<sup>112</sup>King James VI and I, *Political Writings*, ed. Sommerville, 31.

<sup>113</sup>King James VI and I, *Political Writings*, ed. Sommerville, 65, 81.

<sup>114</sup>'Now in this contract (I say) betwixt the king and his people, God is doubtles the only Iudge, both because to him onely the king must make count of his administration (as is oft said before) as likewise by the oath in the coronation, God is made the iudge and reuenger of the breakers'. King James VI and I, *Political Writings*, ed. Sommerville, 81.

<sup>115</sup>Robert M. Kingdom, 'Calvinism and resistance theory, 1550-1580', J. H. Burns and Mark Goldie (eds.), *The Cambridge History of Political Thought 1450-1700* (Cambridge, 1991), 217.

<sup>116</sup>Thomas Birch, *The Court and Times of James the First* (two volumes; London, 1849), II, 289.

<sup>117</sup>Wormald, 'James VI and I', 198.

<sup>118</sup>Burns, *True Law*, 56, 69-72, 95, 99, and 228-230.

<sup>119</sup>Wormald, *Court, Kirk*, 149-155; Goodare, 'Nobility', 164-175; Lee, *Solomon*, 32-36.

fashion. Anyone can enter while the king is eating...; he speaks to those who stand around him while he is at table,...and they to him.<sup>120</sup> The king's natural love of debate and activist personality found play in this environment.<sup>121</sup> James peripatetic nature increased the fluidity of court and policymaking.<sup>122</sup> It also aroused jealousies among councillors, ministers, and courtiers who sought or expected an enhanced, even monopolistic, influence with the king.<sup>123</sup> The judgment of George Nicolson, English envoy in Scotland, is often recounted in describing this milieu: 'The King is so inclinable to his Chamber and his favourites' advice for their desires to do anything now inconvenient soever, as all good men are weary and will withdraw themselves by little and little as they may.'<sup>124</sup> Nicholson counted James' nobles and councillors among the alienated, displeased 'that the Chamber should meddle and carry the King in all things, placing and displacing at their pleasures, having his Majesty so addicted to them, as he uses his authority to their humours.'<sup>125</sup>

Modern perceptions of James being a captive of faction and chamber cronies comes from misunderstanding the rivalries underlying the information in such reports and the king's personality.<sup>126</sup> James' open countenance, love of debate, and determination to stand above faction or the dominance of anyone moulded policymaking designed to secure 'unity and peace under his unchallenged authority.'<sup>127</sup> James 'saw kingship in its highly academic and its highly personal guise. He understood very well the art of managing men, and gave a lot of time to it.... He was a remarkable combination of a man of informality, and casual and friendly approach'.<sup>128</sup> Northampton included among James' 'excellent vertues ... that all his subjects had accesse unto him' when singing the king's praises before parliament in 1610.<sup>129</sup> Henry Wotton pointed to the real dynamic: 'In the handling of affairs of state he is held to be

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<sup>120</sup> Ashton, James I, 4-5 (c. June, 1602). Also Lee, Solomon, 141-143.

<sup>121</sup> In 1615, Thomas Coke wrote John Coke of James' stay in Cambridge from which he returned most content, his imagination having been fired in debate and argument with the learned fellows. BL Additional Ms 64875, fol. 156r-156v (16 March, 1615).

<sup>122</sup> Lee, Solomon, 132-133.

<sup>123</sup> Lee, Solomon, 141.

<sup>124</sup> Quoted in Lee, Solomon, 141.

<sup>125</sup> Quoted in Lee, Solomon, 141.

<sup>126</sup> Lee is ambivalent on the subject but seems to favor Nicolson. Lee, Solomon, 141-142.

<sup>127</sup> Burns, True Law, 223.

<sup>128</sup> Wormald, Court, Kirk, 155 and 150 respectively [emphasis mine].

<sup>129</sup> Gardiner (ed.), Debates 1610, 17.



one of the closest Princes in the world, but he does not settle even the smallest matters without counsel.<sup>130</sup> James took counsel, but knew his mind and jealously guarded his ultimate authority in policymaking. Among his closest servants, the king often favoured those whose opinions and personalities he found agreeable to his own. But he advised Prince Henry to choose royal servants wisely and to exercise particular care in 'ruling them whom ye haue chosen.'<sup>131</sup>

Another aspect of James' character has fuelled the notions of faction. Once kingship and governance slipped from the realm of policymaking to administration, James distanced himself from the process. He 'did not share the interests of his administrators in the sheer slog of government. He needed civil servants, as any king did, but he was no Philip II'.<sup>132</sup> The nobility, James told Prince Henry, 'must be your armes and executers of your lawes'.<sup>133</sup> M. Fontenay's assessment has been instrumental in creating the view of James as 'too idle and too little concerned about business, too addicted to his pleasure, principally that of the chase, leaving the conduct of business to the Earl of Arran, Montrose, and the Secretary... that this is pardonable in one of his youth but there is fear that it will become a habit'.<sup>134</sup> However, James demanded his ministers keep him fully informed in all matters of policy and his attendance in the privy council was impressive.<sup>135</sup> James' temper exploded if his business was neglected: 'I heve been Fryday, Setterday, and this day waithing upon the direction of my affairs, nevir man comand. Thame of the Chekker that was ordainit to tak the compts nevir one. The turns of the hous should have bene endit this day, na man comes down. I sent for the advocat baith Fryday and Setterday--nather met nor answer.... Quhat is spokin this nicht is forgot the morne. In the morning I see nathing menid but to gurne.... Therefore let this writ be a witness for my part. Quhen evir it beis called in question I protest I may do no mair nor I may, gif I war thaim vaiting on als lang I cannot be vayted.'<sup>136</sup> The young king's

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<sup>130</sup> Ashton, *James I*, 4.

<sup>131</sup> King James VI and I, *Political Writings*, ed. Sommerville, 34.

<sup>132</sup> Wormald, *Court, Kirk*, 155.

<sup>133</sup> King James VI and I, *Political Writings*, ed. Sommerville, 29.

<sup>134</sup> Ashton, *James I*, 3. Also Lee, *Solomon*, 46.

<sup>135</sup> Lee, *Solomon*, 137 and 141.

<sup>136</sup> Purves, *Revenues*, xxxvii-xxxviii.



boast, according to Fontenay, 'that there occurred no matter of importance of which he did not take cognizance' would become altogether true in his adult kingship.<sup>137</sup>

It was inevitable English political culture and practice would change with James' accession. The force of James' personality, his Scottishness, gender, and style of kingship combined to refashion 'political action and the codes of conduct, formal and informal, governing... what the [political] players presume the nature and limits of their game to be.'<sup>138</sup> Francis Bacon believed that it was an historic moment, following 'the strangest variety' of reigns: that of 'a child; the offer an usurpation ... the reign of a lady married to a foreign Prince; and the reign of a lady solitary and unmarried.'<sup>139</sup> Bacon's post-1603 writings regularly asserted the aberrant nature of Elizabeth's queenship despite his praises.<sup>140</sup> Gender created the uncertainty: 'If a queen were confidently to demonstrate the attributes of power, she would not be acting in a womanly manner; yet womanly behavior will ill-fit a queen for the rigors of rule.... Everyone expected she would marry and solve the problem of being a woman ruler by turning the governance over to her husband.'<sup>141</sup> Elizabeth should provide a ruler-consort or, at the very least, her queenship should be once removed from personal rule; while women were not incapable of governance, they were less competent than men.<sup>142</sup> But she remained 'an unmarried woman who wielded power, refused to be the modest woman who listened to her advisors and preachers, and would not marry or name a successor'.<sup>143</sup>

Elizabeth's gender and a queen's court created barriers to the arena-like policymaking practised by James in Scotland.<sup>144</sup> Courtiers and ministers might seek influence with James through his chamber cronies, but Elizabeth's bedchamber was barred on the basis of gender,

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<sup>137</sup> Ashton, *James I*, 3 and Wormald, *Court, Kirk*, 158.

<sup>138</sup> Dale Hoak, 'Introduction', Hoak, *Tudor Political Culture*, 1.

<sup>139</sup> Spedding, *Letters and the Life* (14 volumes; London, 1861-1874), III, 250 (Bacon to Ellesmere; April, 1605).

<sup>140</sup> James Spedding, Robert Leslie Ellis, and Douglas Denon Heath (eds.), *The Works of Francis Bacon* (7 volumes; London, 1857-1859), VI, 275-277 (History of Great Britain) and 305-318 (Eulogy for Queen Elizabeth).

<sup>141</sup> Carole Levin, *The Heart and Stomach of a King: Elizabeth I and the Politics of Sex and Power* (Philadelphia, 1994), 3; Pam Wright, 'A change in direction: the ramifications of a female household, 1558-1603', Starkey, *English Court*, 147-172.

<sup>142</sup> Levin, *Heart and Stomach*, 10-12.

<sup>143</sup> Levin, *Heart and Stomach*, 171.

<sup>144</sup> The gender-based constraints of faction at the Elizabethan court are discussed in Wright, 'female household', 147-172.

as Essex discovered to his doom.<sup>145</sup> Ritual courtship and pretended affection were prerequisites to preferment at the Elizabethan court.<sup>146</sup> Elizabeth turned these games of wooing and expectations of femininity to her advantage: 'dithering, prevarication and generally dismissive behaviour which was understood to be archetypical of the conventional "mistress" provided Elizabeth with her weapons of political manipulation and manoeuvre. In order to beat her male courtiers at their own game, she changed the rules and capitalized on the power granted to her by virtue of her gender.'<sup>147</sup> Where James defended his authority against presumptuous magnates, dangerous philosophers, and the kirk, Elizabeth asserted hers over the expectations of gender and the dangers of political marginalization through marriage or designation of a successor.

Like her Scottish cousin, Elizabeth took counsel, but predominantly from within the ranks of her councillors and ministers. The privy council was the Elizabethan locus of counsel and policymaking, but, in what John Guy has termed her 'first reign' (1558-1585), it rested on opposing conceptions of its role.<sup>148</sup> Councillors like Burghley contended Elizabeth's prerogative 'was limited by the advice of the Privy Council' or parliament while the queen held a position James VI would have found agreeable: 'her *imperium* was ordained by God alone and her prerogative unlimited by her councillors' advice' or parliament's'.<sup>149</sup> Elizabeth's delineation of counsel and policymaking was another assertion of authority, seen most strongly in her repudiation of parliamentary demands to counsel on issues such as the succession and religion.<sup>150</sup> She controlled policymaking--negatively--through the power to limit and reject counsel.<sup>151</sup> However, the Spanish war, 'the conduct of which required strategic planning and instant reflexes', loosened Elizabeth's control; as she 'persistently dithered, decisions were taken on her behalf, and for the first time she tacitly condoned the fact.'<sup>152</sup> Essex's failed rising in 1601 was the last challenge to the privy council's exclusive

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<sup>145</sup>John Guy, 'The 1590's: the second reign of Elizabeth I?', Guy, Elizabeth I, 4.

<sup>146</sup>Guy, 'Second reign', 3.

<sup>147</sup>Guy, 'Second reign', 3.

<sup>148</sup>Guy, 'Second reign', 1 and 13.

<sup>149</sup>Guy, 'Second reign', 13; Alford, 'William Cecil'.

<sup>150</sup>Guy, 'Counsel', 301-303.

<sup>151</sup>Guy, 'Counsel', 301 and Guy, 'Second reign', 4 and 13.

<sup>152</sup>Guy, 'Second reign', 4.

place in policy and Robert Cecil's pre-eminence among his colleagues.<sup>153</sup> This process of counsel and policymaking did not survive Elizabeth's death intact.

A broad consensus among privy councillors and leading courtiers, anxious to 'ensure their continued access to political power and royal favour', guaranteed James VI's peaceful accession.<sup>154</sup> The fluidity of Scottish counsel and policymaking were grafted onto an enlarged English privy council with its administrative sophistication and accommodated within the tighter formalities of English court culture.<sup>155</sup> Peers who had gone unrewarded and unrecognized in Elizabeth's last decade were added.<sup>156</sup> James sought to expand his affinity outside Cecil's own with these appointments, particularly former supporters of Essex like Henry Howard (Northampton), and reward those who had supported his accession.<sup>157</sup> The addition of Scots to the council and their appointments to offices of state, albeit junior positions, were unprecedented changes designed to give practical expression to the union of the crowns.<sup>158</sup> Finally, the various gender barriers under Elizabeth separating the bedchamber from political involvement and checking the ambitions of other courtiers collapsed with a king.<sup>159</sup>

The most profound impact was on policymaking and decisionmaking. James was the first male monarch in the collective experience of the English political elite and arguably the most personal and active ruler they had ever known. He possessed 'strong opinions of his own, and a very high estimate of his kingly abilities, as well as a circle of close [Scottish] friends and long-standing advisors. It was obvious that he would listen to many voices, not just to that of the secretary [Cecil].'<sup>160</sup> Where the council, almost as an entity, had

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<sup>153</sup>Guy, Tudor England, 452-453. Also Penry Williams, The Later Tudors: England 1547-1603 (Oxford, 1995), 341-388; Paul E. J. Hammer, 'Patronage at Court, faction and the earl of Essex', Guy, Elizabeth I, 65-86.

<sup>154</sup>Linda Levy Peck, 'Peers, patronage, and the politics of history', Guy, Elizabeth I, 97-98 and 106-108; Williams, Later Tudors, 383-388.

<sup>155</sup>Croft, 'Jacobean court', 134-138; Neil Cuddy, 'Anglo-Scottish Union and the Court of James I, 1603-1625', Transactions of the Royal Historical Society 39 (1989), 111; also Lee, Solomon, 132-157, a useful if superficial survey.

<sup>156</sup>Peck, 'Peers, patronage', 106-108; Croft, 'Jacobean court', 135.

<sup>157</sup>Wormald, 'James VI and I', 201-203.

<sup>158</sup>Cuddy, 'Union', 109-111 and 121-125; Croft, 'Jacobean court', 135.

<sup>159</sup>Croft, 'Jacobean court', 135-136 and Cuddy, 'entourage', 173-225. Also, Neil Cuddy, 'The Conflicting Loyalties of a "vulgar counselor": The Third Earl of Southampton, 1597-1624', Morrill, Slack, and Woolf, Public Duty, 121-150.

<sup>160</sup>Croft, 'Jacobean court', 135.

monopolized the process with the old queen, under James, councillors, ministers, courtiers, and servants all competed in counselling the king with varying degrees of advantage. Cecil, with some frustration, described the extent of the change: 'It fareth not with me now as it did in the Queen's time... for then I could have done as great a matter as this without other help than myself; she heard but few, and of them I may say myself chief; the king heareth many, yea, of all kinds.'<sup>161</sup> When the privy council held session with Queen Anna during the king's absence, James jibed Cecil, 'Ye and your fellows there are so proud now, that you have got the guiding again of a feminine court in the old fashion that I know not how to deal with ye'.<sup>162</sup> And James practised a very Elizabethan prerogative of decisionmaking: he ignored counsel from his ministers, parliament, and cronies with varying practical and political consequences. In short, James' Scottish principles of kingship, his determination to be a 'universal king' were finding English expression: nobles as natural counsellors, tying individuals to the crown through service, balancing opinions and ambitions, and jealously guarding the royal final-authority in all matters.<sup>163</sup>

The fiscal policymaking process was defined by James in a letter to the privy council in October 1607. It allows us to reconstitute the elements of information, counsel, and decisionmaking which this chapter analyzed. In 'this disease [of want] I ame the patient, & ye have promised to be the phisicians,' James wrote, 'to use the best care upon me, that youre wittes, faithfulness, & diligence can reache unto, as for my pairte, ye maye assure youre selfis that I shall facilitate youre cure by all the meanes possible for a poore patient, both by obseruing as straitte a dyete as ye can in honoure & reason praescryue unto me, as also, by using seasonablie, & in the richte forme, suche remedies and antidotes, as ye are to aplye unto my disease'.<sup>164</sup> The demarcation of responsibility and authority was clear. The formulation of counsel and policy prescriptions was located within the wits of ministers like Caesar, Salisbury, Northampton, and Cranfield. But James would decide on the appropriate--in the case of bounty, honourable--course of treatment once his doctors had presented their

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<sup>161</sup>Quoted in Lee, Solomon, 144.

<sup>162</sup>Quoted in Cuddy, 'Entourage', 196.

<sup>163</sup>Wormald, Court, Kirk, 150-156; Wormald, 'James VI and I', 201-203.

<sup>164</sup>HH Salisbury Ms 134, fol. 113r; underlining by Salisbury.

diagnoses and offered prescriptions. He would neither take their remedies sight unseen nor stand back from prescribing his own antidotes. Decisionmaking, in essence the final shaping of policy, was the king's prerogative. Consequently, fiscal policy was an indivisible part of James' practice of kingship and central to governance. Before addressing these broader themes of governance in the second section of this thesis, we must examine the conceptual basis of crown finance: projects.



## CHAPTER 2

# Projects and the Conceptualization of Crown Finance

### I

Projects were the point at which the financial mental world shared by James and his ministers fused with fiscal reality and practice. Their fiscal policies were conceived in terms of projects. Two remarkable instances of this contemporary project conceptualization have come down to us intact, but have previously failed to elicit recognition. Over three nights in December 1757, St. Paul's coffee-house was the venue for the sale of Julius Caesar's library, mortgaged by one of his last descendants 'for £40 to an upholsterer for a debt'.<sup>1</sup> Caesar's 193 volumes fetched £352, but not before the auction was postponed three weeks to allow Samuel Patterson to catalogue the collection.<sup>2</sup> Patterson consulted Caesar's own catalogue of the library and copied the contents directly into the auction guide.<sup>3</sup> Sale item 52 was titled simply 'Projects', taken from Caesar's original title, 'The Contents of the 14 booke, in fol[i]o co[n]taining Proiects'.<sup>4</sup> The volume was eventually purchased by the British Museum and became Additional Manuscript 10038.<sup>5</sup> Something as interesting and significant is to be found in a report of 'pap[er]s touch[ing] the Tresury & Excheq[uer] etc. delivered to Mr Wilson by Mr Dudley Norton out of the late L[ord] Tresorers study' in Whitehall.<sup>6</sup> Among more than 100 bags, boxes, and books once belonging to Salisbury was a volume called 'Suites and proiects'.<sup>7</sup> At some point the book passed out of the keeper's hands and is now among the Harleian manuscripts.<sup>8</sup> Neither of these volumes are finds—Caesar's, at least, has often been cited—but their significance has been unappreciated. These manuscripts represent

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<sup>1</sup>BL Lansdowne Ms 123, fol. 1v.

<sup>2</sup>BL Lansdowne Ms 123, fol. 1v-3r. 'they would now (anno 1780) perhaps sell even for double this sum.'

<sup>3</sup>BL Lansdowne Ms 124.

<sup>4</sup>BL Lansdowne Ms 123, fol. 9r, 34r. The item was purchased for £2 11s by a Mr. Boddington (from the office of the Tower ordnance) Lansdowne Ms 123, fol. 8r-8v.

<sup>5</sup>BL Lansdowne Ms 123, fol. 8v.

<sup>6</sup>BL Lansdowne Ms 168, fol. 211r-214v (21 June, 1612).

<sup>7</sup>BL Lansdowne Ms 168, fol. 213r.

<sup>8</sup>'Suites and Proiects presented to the late Earle of Salisbury Lord high Threr of England'. BL Harleian Ms 4807, fol. 1r-68v. This may well have been present with papers Wilson found 'confusedly dispersed' among Salisbury's records; one of the items was titled 'sutes of innovation & newe proiects.' HH Salisbury Ms 140, fol. 48r. He probably labelled the vellum cover of Harleian Ms 4807 when it came into his custody after Salisbury's death. Compare with Wilson's hand in HHL Ellesmere Ms 1672, 1673.

vital analytical tools for understanding how James' own ministers conceptualized and understood projects; they are Caesar's and Salisbury's practical definitions.

The overall shapes of the volumes are instructive. Caesar added projects as late as 1619, but almost all date to two periods, 1607-1609 and 1611-1613; Salisbury's projects overlap the first period, principally 1608-1609. These dates perfectly correspond to the most intense projecting periods. Caesar's is several times larger than Salisbury's, but the projects in each are wide-ranging; topics, if not actual documents, are duplicated between them while each volume contains unique projects. The disparity in size reflects Caesar's workhorse position in his partnership with Salisbury—and as a treasury commissioner (1612-1614) with Northampton. Caesar alone had the depth of expert treasury knowledge to best evaluate projects. However, personal endorsements and annotations are to be found throughout both collections. The volumes are replete with individual project documents, but Caesar's also contains several policy memoranda. This underscores the previous discussion about the processing of information, in this case individual projects, into policy prescriptions and counsel. The project case-study in the next chapter will particularly analyze this aspect of Caesar's volume. Most significantly, the opening documents in both volumes are copies of the instructions for and memorials of grantable suits for purposes of royal liberality and bounty.<sup>9</sup> In no manner is the bond between projects and the patronage culture more starkly evidenced nor the awareness of James' ministers of the relationship. A holistic view of these volumes makes possible a synthesis of projects' chief characteristics: their origins in suits and petitions, with frequent patronage complications; employment of the languages of commonwealth and public good; the proto-privatization of government; monopolistic possibilities; and projects as an early-modern European phenomenon. A closer look at several projects in the Caesar and Salisbury volumes will both elaborate and reinforce these seminal characteristics.

Salisbury held a project for populating the 'abundance of vacant and waste groundes'.<sup>10</sup> The economic dislocation of the 1590's significantly heightened concerns about

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<sup>9</sup>BL Harleian Ms 4807, fol. 1r-2v; BL Additional Ms 10038, fol. 4r-4v.

<sup>10</sup>Guy, 'Second reign', 18. BL Harleian Ms 4807, fol. 14r.

social stability and crime.<sup>11</sup> No late Elizabethan councillor or 'magistrate would have doubted that vagrancy was criminal, that democracy was the worst form of government, and that plebeian forces were dangerously on the increase.'<sup>12</sup> These apprehensions stayed with ministers like Cecil at James' accession and explain his interest in this project. It is structured in a style common to nearly every project: premises, mechanics, assurances (in anticipation of objections), and benefits. There were numerous wastes within forests, parks, chases, but because they remained 'common to all' they were neither 'inclosed nor inhabited with honest industrious people, that may convert the same into tillage and pasture and other suche profitable uses for the common wealthe'.<sup>13</sup> James could reverse this by leasing 100 acres each to 5000 yeomen who would enclose and work the land, while constructing a sturdy house and farm buildings. Their rent would be £20, yielding new revenues of £100,000. The projector anticipated James' concern for the adjoining forests and game with requirements that the lease-holder become a 'keeper and p[re]server of the deere' and provide 'gates and places of passage' through their enclosures for royal hunting. Another £100,000 flowing into the Exchequer was an obvious inducement for the crown, but promises of order and prosperity aimed at socio-economic concerns: 'whereby ten tymes five thousand people shalbe maintained to live, by this meanes his Ma[jes]tie shalbe better enabled in [military] force and strengthe by raisinge of soe many able subiectes, his subsedy so muche increased, the common wealth greatly enriched, and bettered by providing of so many dwellinge houses for so many desolate people w[hi]ch nowe doe wante placed of habitation.'<sup>14</sup> Increased agricultural production would also force down prices. It concluded with the mantra of all projects: 'This wilbe a meanes to set a number of idle persons on worke, wherby to avoide idlenes and drunkennes and all other foule vices w[hi]ch doe raigne chiefly by idlenes.' The language of commonwealth, public good, and mutual gains to crown and society--*pro bono publico*--were consistent throughout projects.<sup>15</sup> So too was the exposition of direct and

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<sup>11</sup>Jim Sharpe, 'Social strain and social dislocation, 1585-1603', Guy, *Elizabeth I*, 193.

<sup>12</sup>Guy, 'Second reign', 18 and 11 respectively.

<sup>13</sup>BL Harleian Ms 4807, fol. 14r.

<sup>14</sup>BL Harleian Ms 4807, fol. 14v.

<sup>15</sup>For instance PRO SP 14/51/29, fol. 95v (1609?); BL Additional Ms 10038, fol. 271r-272v (19 July, 1612).

indirect benefits: £100,000 in revenue; a fitter populace, new subsidy-men, and secondary employment of 45,000 people.

The project for a company of exploration and discovery is an interesting counterpoint. It falls into a category of projects whose allure lay more in what was **not** said. Its bait was up-front: 'It is conceived that a proiect may be delivered to his Ma[jes]tie by w[hi]ch he may satisfie a greate p[ar]te of his debtes.'<sup>16</sup> It was beneficial to and necessary for the commonwealth and prejudicial to none, but further explanation was not forthcoming. The author instead pressed his suit that a tenth of its proceeds be committed to establish a joint-stock exploration company in Plymouth, managed by a president and twelve councillors, and constantly maintaining two ships at sea in search of commercially exploitable discoveries. The contrast with the previous project is pointed. Repopulation was a project Salisbury endorsed as fitting 'to be offred to ye Parliament.'<sup>17</sup> It was a government project with clear benefits to both crown and commonwealth. That of exploration introduces us to the suitor and projector: 'the partie w[hi]ch is to discover this proiect hath served this crowne and state twentie & sixe yeres and spent in yt att the least tenn thowsand markes.... yt is usuall in ffrance, Spaine and other kingdomes to allowe unto all such as by good meanes, w[i]thout hurtinge or preiudicinge anie person, advantage the kinges revenewe or his purse, to some a fourth, to some a third, and others a moytie of the procedue of theire proiect.'<sup>18</sup> Once James guaranteed the projector his percentage, he would be 'readie to declare the secrett to his Ma[jes]tie and the meanes to compasse yt.' The projector only disclosed that it was 'neither imposicon, tax, nor monopolie.' Corresponding gain was affirmed: the commonwealth would benefit by expansion of commercial opportunities, while James and the projector shared residual profits of the latter's expertise. Not surprisingly, obtuse projects of this sort often found little support.<sup>19</sup>

Licensing apprentices particularly highlights projects' relationships to patronage, monopolistic possibilities, and the privatizing of government responsibilities. The premises

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<sup>16</sup>BL Harleian Ms 4807, fol. 61r.

<sup>17</sup>BL Harleian Ms 4807, fol. 15v.

<sup>18</sup>BL Harleian Ms 4807, fol. 61r.

<sup>19</sup>For instance, BL Harleian Ms 4807, fol. 16r-17v (23 March, 1607[1608]).



were straight-forward. The 1563 statute of artificers ordered apprentices to be indentured for seven years, but it was not done for want of a responsible official.<sup>20</sup> Consequently, 'unskilled artificers exceedingly increase, wherfore auncient artificers doe finde themselves much impoverished by yonge men that daylie sett upp & use trade contrarie to the said statute'.<sup>21</sup> The project posited the privatization of legal enforcement. The projectors hoped James would grant by 'letters patent to some meet person full power and authoritie to enroull & record the said indentures in such places ... where their is not alreadye any authorised for that purpose'.<sup>22</sup> They also sought power to dispense with the statutory fines against offenders already settled in their trades (penal fines).<sup>23</sup> The structural deficiencies of Jacobean administration were to be remedied by patentees, a precipitating factor of projects throughout the period.<sup>24</sup> The fiscal gains were uncertain, but like all projects speculation ran high. The projectors believed settled artificers would compound for up to a fourth of statutory forfeitures to receive a dispensation. Assuming 60,000 artificers in England and Wales capable of paying, the projectors believed they would realize £139,375.<sup>25</sup> For their efforts, they asked for the standard 21 year grant and 5s in the pound for expenses, approximately £43,555.<sup>26</sup> James would receive £200 in rent and the remaining proceeds of the compositions, over £90,000.<sup>27</sup> Enforcement would produce socio-economic benefits. Unskilled artificers and shoddy goods would be curtailed while stopping pretended artificers who were little better than vagabonds and beggars.<sup>28</sup>

Many lawfull artificers suffered at the hands of informers for want of licences and were threatened with exposure and forfeitures. It was this clamour for legal dispensation that the projectors claimed inspired their proposal. However, the project had its immediate origins in patronage, neither profit for James nor benefits for the commonwealth had been

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<sup>20</sup>BL Harleian Ms 4807, fol. 25r; BL Harleian Ms 4807, fol. 63r.

<sup>21</sup>BL Harleian Ms 4807, fol. 25r.

<sup>22</sup>BL Harleian Ms 4807, fol. 63r.

<sup>23</sup>BL Harleian Ms 4807, fol. 63r.

<sup>24</sup>The discussion in Russell, *Parliaments*, 66-70 is useful.

<sup>25</sup>BL Harleian Ms 4807, fol. 24r.

<sup>26</sup>BL Harleian Ms 4807, fol. 25r.

<sup>27</sup>BL Harleian Ms 4807, fol. 25r.

<sup>28</sup>BL Harleian Ms 4807, fol. 64r.



initial motives. This form of the project was insistently pressed upon James, who ordered Salisbury to have it examined by Caesar and others, it 'being **now** proponed for his Ma[jes]ties profitt especiallie & followed by Mr More ... that hertofore prosecuted it for my Lo[rd] Haddington'.<sup>29</sup> The original project was blatantly designed for personal profit, but, when redrawn, James was fully prepared to turn it to his own ends. He resolved to 'make the best use of this sute for himself, so as it may evidentlie apeare to bringe a profitt w[i]th honor to his coffers & w[i]thout enormitie or inconvenience to his subiectes'.<sup>30</sup> The crown would become the projector. Corporate towns had officers to enforce the statutes, but in other places Caesar replaced the project's patentees with the clerks of the peace.<sup>31</sup> He and Salisbury decided against it after Caesar judged 'the p[ro]fit very uncerteine & extreme small'; probably not a little from the unreliability of local officers with a variable revenue. When it was reviewed again in 1612, the chief inconvenience was that it would become a 'first and leading president of profitt ... made by a penall lawe ... otherwise then in ordinarie forme of lawe'.<sup>32</sup>

The fierce politics of patronage complicated situations when projects had their origins in suits.<sup>33</sup> The common law judges were asked in November 1604 to answer whether the prosecution and execution of penal laws could be contracted out to projectors.<sup>34</sup> James' councillors were particularly intent upon exploiting the forfeitures of lands and goods in the recusancy laws for revenue and patronage.<sup>35</sup> The judges firmly declared that the legal process was statutorily committed to the king and could not be given over to private persons for their own gain.<sup>36</sup> Further, they disapproved of granting the benefit of forfeitures before

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<sup>29</sup>BL Harleian Ms 4807, fol. 8r [emphasis mine] (23 October [1607]; Roger Wilbraham to Salisbury). Haddington was originally acting for the earl of Dunbar. BL Additional Ms 10038, fol. 142r-143v (25 July, 1607). For Dunbar's involvement, PRO SP 14/24/71, fol. 124r-124v (undated).

<sup>30</sup>BL Harleian Ms 4807, fol. 8r.

<sup>31</sup>BL Additional Ms 10038, fol. 15r (24 August, 1609).

<sup>32</sup>BL Additional Ms 10038, fol. 11v (18 September, 1612).

<sup>33</sup>For example: BL Additional Ms 10038, fol. 61r-61v (outlawries/Lord Haddington), 128r-129v (logwood, corn, copper tokens/ Lord Montgomery), 148r-149v (conyskins/Edward Villiers), 212r-212v (oaths at juries/Arabella Stuart; James' cousin), 230r-231v (office for appraising the goods of the dead/Lord Haddington), 271r-272v (register of burials and christenings/Henry Martin; Caesar's father-in-law), 389r-390v (latitats/Lord Cobham).

<sup>34</sup>HH Salisbury Ms 107, fol. 106r-107v; PRO SP 14/10/6, fol. 9r-9v (both 8 November, 1604). James' suspended the penal laws at his accession.

<sup>35</sup>BL Lansdowne Ms 168, fol. 344r-347v (27 November, 1604).

<sup>36</sup>HH Salisbury Ms 107, fol. 106r.

they had been formally answered in the Exchequer.<sup>37</sup> That said, loopholes were left for patronage. James might not be able to farm prosecution and collection, but the Exchequer taking could still be granted for those assisting the course of law.<sup>38</sup> The council approved the judges' verdict and James ordered them to begin enforcing the penal laws again in the assizes, circuits, and sessions of the peace.<sup>39</sup> Courtiers became servant-informers—or employed others in that capacity—performing the task of uncovering recusants for prosecution with the promise of forfeitures for their pains.<sup>40</sup>

Projects were not simply an English phenomena, but characteristic of early-modern states.<sup>41</sup> The French crown's insatiable hunger for revenue spawned projectors, 'roundly denounced by Bodin' as another opportunistic hand through which the king's money must pass.<sup>42</sup> French projectors increasingly advanced credit to the crown for patents for their schemes, often the erection of new offices, tolls, or recovery of decayed revenues—much like their English counterparts.<sup>43</sup> Scotland suffered revenue woes under Mary and projects offered to her included retaining the benefits of wardship, licensing export of prohibited goods, exploitation of the coinage and mines, pre-emption of salt, monopolization of coal by the crown, and development of a Scottish fishing fleet.<sup>44</sup> James' ministers possessed a genuine interest in foreign practices. Caesar had among his projects one for exactions employed by the French crown to pay its debts.<sup>45</sup> Salisbury spoke of 'foreign industry and example offer[ing] divers projects, good precedents to follow, for the adorning and enriching

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<sup>37</sup>PRO SP 14/10/6, fol. 9r.

<sup>38</sup>PRO SP 14/10/6, fol. 9r.

<sup>39</sup>PRO SP 14/12/29, fol. 39r-39v (21 January, 1605).

<sup>40</sup>Salisbury's papers are strewn with petitions for the benefits of recusancy. For example the work of Lord Saye and Sele, HH Salisbury Ms 114, fol. 135r ([1605]); Salisbury Ms 117, fol. 162r-162v (20 September, 1606). For a large number of these petitions, HMC Salisbury, XXIII, 97-222 and HMC Salisbury, XXIV 1-229; Salisbury Ms P.1347 ([29 March, 1605]) is exemplary. PRO SP 14/14/64, fol. 139v (June, 1605) endorsed by Cecil as 'The Proiect of a l[jett]re wherby his M[ajest]ies pleasure is to be certiefed whensoever any swte is made for Recusants'. Also M. C. Questier, 'Sir Henry Spiller, Recusancy and the Efficiency of the Jacobean Exchequer', Bulletin of the Institute of Historical Research 66 (1993), 251-266; John J. LaRocca, 'James I and his Catholic Subjects 1606-1612L Some Financial Implications', Recusant History, 18 (1986-1987), 367-391.

<sup>41</sup>Richard Bonney, 'Early Modern Theories of State Finance', Bonney Economic Systems, 165-168 and 177-179.

<sup>42</sup>Bonney, 'State Finance', 168.

<sup>43</sup>Dent, Crisis in Finance, 58.

<sup>44</sup>BL Harleian Ms 4612. 50r-51v.

<sup>45</sup>BL Additional Ms 10038, fol. 32r-33v (1561).

of this state'; unfortunately they often perished in execution.<sup>46</sup> George Carew's remembrances of his embassy in France interested Salisbury.<sup>47</sup> In them, Carew described the economic and physical wealth of France, made the greater by an industrious people so burdened with taxes they could not afford idleness.<sup>48</sup> While detailing the fiscal power and exactions of Henry IV and Sully, Carew seems to have been most impressed by Sully's reform of the revenue farms, 'reducing that to the king's coffers, which was embezzled by under-officers.'<sup>49</sup>

The connections of projects across states is difficult to ascertain. The Tudor commercial projects were often the work of foreign experts and the incorporation of new skills into the English economy was an explicit objective.<sup>50</sup> Jacobean suitors continued to offer projects for the development of foreign technologies (particularly individuals with overseas voyages behind them).<sup>51</sup> Caroline contracts with Dutch experts to drain 'drowned lands' were among such projects.<sup>52</sup> The most definite sharing of projects was across James' three kingdoms after 1603. The ongoing struggle to settle the Irish government and revenues saw the greatest level of participation.<sup>53</sup> Salisbury despatched George Carew to Ireland in July 1611 with instructions to employ the usual approach of abatements, improvements, and new revenues.<sup>54</sup> Carew and company collected and evaluated some 60 projects.<sup>55</sup> Northampton, working with the Irish solicitor-general Robert Jacob, took even greater interest.<sup>56</sup> Jacob detailed current and potential projects; improvements from concealed lands, wardships, customs and impositions (corn, wine, tobacco, aqua vitae, alehouses, hides, pipestaves, herrings), extension of English tenures, letting fishing rights, profits of seals, fines

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<sup>46</sup>Croft, 'Several Speeches', 310.

<sup>47</sup>Croft, 'Several Speeches', 311n160.

<sup>48</sup>HHL Huntington Ms 41951, fol. 9v-13r

<sup>49</sup>HHL Huntington Ms 41951, fol. 13r-30v; Thomas Birch, An Historical View of the Negotiations between the courts of England, France, Brussels from the Year 1592 to 1617 (London, 1749), 486.

<sup>50</sup>Thirsk, Policy and Projects, 31-58.

<sup>51</sup>For example BL Additional Ms 10038, fol. 43r-50v and 78r-81v.

<sup>52</sup>BL Additional Ms 10038, fol. 222r-229v; Sharpe, Personal Rule, 249-262.

<sup>53</sup>BL Lansdowne Ms 159 which includes numerous Tudor papers on Ireland; Lansdowne Ms 156, fol. 191r-193v (12 July, 1612); BL Royal Ms 18A.LXV ([c. James II]); HMC Hastings, IV, 48-49 (May, 1617).

<sup>54</sup>HH Salisbury Ms 196, fol. 43r-44v (27 July, 1611).

<sup>55</sup>HH Salisbury Ms 196, fol. 45r-46v (28 July, 1611).

<sup>56</sup>Peck, Northampton, 149-151.

for treasons and felonies, and composition for the lord deputy's purveyance were among them.<sup>57</sup> Cranfield wanted Ireland to turn a profit.<sup>58</sup> His commissioners looked to projects such as incorporation of herring fishing while Cranfield set his sights on 'the vices of torpor, inefficiency, and corruption which he had fought at home'.<sup>59</sup> However, Irish government possessed administrative incapacity in spades and experienced some of the worst aspects of projects turned to private gain.<sup>60</sup>

Little work has been done on Scottish projects, but there are indications that they were prevalent long before grand schemes such as Charles I's Anglo-Scottish fishery.<sup>61</sup> James' support for projects reflected his practice as king of Scotland for rewarding servants and creditors with monopolistic patents; after 1603, James, with his Scottish deputies, applied his English experience with projects to his native kingdom.<sup>62</sup> Commercial projects attracted considerable attention; the book of rates was revised in 1611 and the customs tack (farm) brought a significantly greater rent at each renewal.<sup>63</sup> Anti-usury statutes were enforced with fines for offenders—a project deemed unworkable in England—and copper moneys were authorized twice.<sup>64</sup> Monopolistic patents remained prevalent and increased markedly after 1618—as they did in England.<sup>65</sup> Scottish projects included glassmaking, tanning and sealing leather, sugar refining, pottery vessels, and soapmaking.<sup>66</sup> Problems of private gain and public good were likewise encountered in Scotland. Inspection and sealing fines were extorted by holders of new offices from Scottish merchants trading into Ireland. Nathaniel Udward's soap patents aroused particular irritation for his product's poor quality and high price against finer European varieties; the burghs finally bought out his patents for a dear price. Charles I's soapmaking project occasioned the same bitter complaints from consumers,

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<sup>57</sup>HMC Hastings, IV, 8-10 (12 April, 1613).

<sup>58</sup>Prestwich, Cranfield, 226-228, 346-356; Tawney, Business and Politics, 208-210

<sup>59</sup>CKS U269/1.Hi260 ['A Proiect how to employe 40000lib in fishing ypon the coaste of Ireland']; Tawney, Business and Politics, 210.

<sup>60</sup>HMC Hastings, IV, 9-13; Prestwich, Cranfield, 352-356.

<sup>61</sup>Maurice Lee, Jr., The Road to Revolution: Scotland under Charles I, 1625-37 (Urbana, 1985), 100-105, 170-171, 175-176.

<sup>62</sup>Lee, Government by Pen, 13-14.

<sup>63</sup>Lee, Government by Pen, 85-86, 131.

<sup>64</sup>Lee, Government by Pen, 131, 203; below.

<sup>65</sup>Below, 106-113.

<sup>66</sup>Lee, Government by Pen, 196-201.



but the king's perseverance in supporting the project gave it time to take root; it was 'worth over £30,000 to Charles I in the closing years of the personal rule.'<sup>67</sup>

Drawing upon these major characteristics as seen in individual examples, it seems appropriate to offer a summative definition of 'project.' The Oxford English Dictionary offers two which are appropriate. In the first, project is identified with a proposal, scheme, or device. 'Sutes and Proiectes' is an important pairing of Jacobean words from this sense. Salisbury's project volume bore that moniker because so many had their origins in suits. Significantly, both his and Caesar's books began with copies of the memorial of grantable suits. This reflects the extent to which projects were subsumed in the demands of funding the Jacobean patronage culture. In this sense a project can be regarded as a specific scheme. As Thirsk has written: 'Everyone with a scheme, whether to make money, to employ the poor, or to explore the far corners of the earth had a "project"'.<sup>68</sup> Projects were more than suitors' idle designs though. The crown was itself a projector. Projects were an opportunity to exploit patronage for the crown's own fiscal gain within a weak administrative state. Roger Wilbraham spoke for James as well as Elizabeth when he testified the old queen believed projects 'were profitable for the common weal' and because 'some of them yelded her a rent & saved her renew, which otherwise should have ben weakened by such instant sutors'.<sup>69</sup> This principle was at work in projects for artificers, exploration, and recusants. New impositions, the Great Contract, general pardons were but a few ways in which the crown sought its own monopoly of financial reward and James and his ministers became projectors in their own rights. The crown as projector draws us to the OED definition of a project as a conception. In this respect, they were also a mindset shared by James, Dorset, Caesar, Salisbury, Northampton, Ellesmere, Cranfield which wove individual projects into a tapestry called fiscal policy. The following section will reweave that tapestry out of a theoretical schema of the fiscal system and the project collections of James' ministers.

## II

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<sup>67</sup>Sharpe, Personal Rule, 122-123.

<sup>68</sup>Thirsk, Policy and Projects, 1.

<sup>69</sup>Ashton, James I, 7.



Robert Cotton constructed the most sophisticated analyses of the Jacobean fiscal system in his ongoing research for Northampton during 1612-1614.<sup>70</sup> Cotton's 'Means to repair the Kings estate' was an annotated abstract not unlike a fiscal family tree, but one offering the roots of financial health through a menu of abatements and improvements.<sup>71</sup> The purpose of this section is to integrate Cotton's scheme with actual Jacobean projects thus graphically demonstrating their centrality to crown finance. Particular emphasis will be given to the Caesar and Salisbury project volumes, but three other sources will be tapped, Cotton's project compilations for Northampton, Ellesmere's various fiscal programs (c. 1615), and the Cranfield archive.<sup>72</sup> The value of these other collections for adding bold colours to the tapestry of projects is without question. Together they represent the finest Jacobean fiscal intellects. This is not a lone instrument sounding its own note, but an orchestra of diverse minds performing a symphony.<sup>73</sup>

Cotton's abstract was at once reflective of practice and advisory. Reading much like Caesar's frequent analyses, monarchs repaired their estates by diminution of their present charges, raising ready money, and improving revenues. Money and revenues sprang from two major categories, grants of the subject and the monarch's sovereign power over lands, goods or merchandize, and regalities, what might be called the king's own.<sup>74</sup> Lands were either the king's or the subjects' and projects directed at both were routine.<sup>75</sup> Management of the king's estates consisted of selling, farming and manuring, and improving. Numerous

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<sup>70</sup>Peck, *Northampton*, 113-117.

<sup>71</sup>BL Cotton Ms Cleopatra F VI, fol. 66r-67v.

<sup>72</sup>BL Cotton Ms Titus B IV and B V; HHL Ellesmere Ms 441 (July, 1615), 465, 478, 1216, 2610, and 2507; CKS U269/1 [Cranfield Ms]. Cotton Ms Titus B V contains full-blown Elizabethan and Jacobean projects while Titus B IV is less projects than the makings of projects: medieval Exchequer proceedings, for reform in that court; the act of resumption of 3 Henry VII, guide for a Jacobean act; articles for incorporation of the courts of augmentations into the Exchequer, preparation for effecting the same with the Duchy of Lancaster; a draft of Henry VIII's circular letter to the bishops for an aid, precedent for the (clerical-initiated) benevolence of 1614.

<sup>73</sup>The projects cited in the following discussion are intended as a representative sample reflecting the interests of James' ministers between 1603 and 1619. They can only convey an imperfect sense of the range of inventiveness and imagination that went into them. It might be useful--albeit simplistic--to identify the following ministers with the corresponding manuscript collections. Salisbury: BL Harleian Ms 4807 and HH Salisbury Manuscripts. Caesar: BL Additional Ms 10038 and 36767 and BL Lansdowne Manuscripts. Northampton: BL Cotton Ms Titus B IV, B V and Cotton Ms Cleopatra F VI. Ellesmere: HHL Ellesmere Manuscripts. Suffolk: OBL Carte Ms. Cranfield: CKS U269/1 [Cranfield Ms]. There is inevitably overlap between Caesar and Northampton while Caesar's manuscripts are effectively the only evidence remaining of Dorset's thinking.

<sup>74</sup>BL Cotton Ms Cleopatra F VI, fol. 66r (abatements; grants of the subject), 66v (lands), 67r (merchandize), and 67v (regalities).

<sup>75</sup>Thirsk, 'Crown as projector' and Hoyle, "Shearing" are useful surveys.

projects existed for sales including old castles and ruined houses;<sup>76</sup> demesne of manors;<sup>77</sup> copyholds as fee-farms;<sup>78</sup> and coppice woods and dotard trees.<sup>79</sup> Vague projects suggested the king directly farm his lands or stock his holdings 'as in old tyme'. Improvement of forests, wastes, and commons akin to the project previously examined were ever-present, but often stumbled over administrative abuses in practice or James' shrewd anticipation of spoilage in the hands of projectors.<sup>80</sup>

The subject's property offered fiscal possibilities by virtue of their titles, tenurial incidents, and royal stewardship of the realm's landed inheritance, the two former particularly a consequence of failures in record-keeping and surveying.<sup>81</sup> Defects in titles were consistently exploited by confirming defective titles;<sup>82</sup> issuing titles for illegal assarts;<sup>83</sup> the like for encroachments on royal lands;<sup>84</sup> hunting royal deer and game;<sup>85</sup> and sale of title to lands entailed to the crown upon death of the holder.<sup>86</sup> Tenurial profits centered on James' residual feudal rights: wardship;<sup>87</sup> reliefs;<sup>88</sup> heriots;<sup>89</sup> respite of homage;<sup>90</sup> alienations;<sup>91</sup>

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<sup>76</sup>BL Lansdowne Ms 165, fol. 111r (11 August, 1608); BL Additional Ms 10038, fol. 19v (10 August, 1609) and 328r-329v (27 January, 1611[1612]); BL Cotton Ms Cleopatra F VI, fol. 74r (18 September, 1612).

<sup>77</sup>BL Cotton Ms Cleopatra F VI, fol. 66v.

<sup>78</sup>BL Cotton Ms Titus B V, fol. 276r-278v; Cotton Ms Cleopatra F VI, fol. 106r-113v.

<sup>79</sup>BL Lansdowne Ms 165, fol. 208r-208v; Cotton Ms Titus B V, fol. 202r-203v.

<sup>80</sup>BL Additional Ms 10038, fol. 19v; Additional Ms 10038, fol. 21r, 29v, 30r, 68r-69v; BL Harleian Ms 4807, fol. 14r-15v (undated); BL Cotton Ms Cleopatra F VI, fol. 73r-74r, 114r-117v; Cotton Ms Titus B IV, fol. 295r-296v, 326r-331v, and 332r-335v; Cotton Ms Titus B V, fol. 202r-203v, 319r-319v, 399r-400v; HHL Ellesmere Ms 441, 465, 2610/6-7; BL Lansdowne Ms 165, fol. 225v.

<sup>81</sup>David Thomas, 'Leases of Crown lands in the reign of Elizabeth I', Hoyle, *Estates 1558-1640*, 179 and Richard Hoyle, 'Reflections on the history of Crown lands, 1558-1640', Hoyle, *Estates 1558-1640*, 424-426.

<sup>82</sup>BL Additional Ms 36767, fol. 174r-174v (30 June, 1608) and 182r-184v (5 July, 1608).

<sup>83</sup>BL Additional Ms 36767, fol. 218r-218v (6 October, 1608) and 232r-233v (19 December, 1608); Additional Ms 10038, fol. 309v; BL Cotton Ms Titus B V, fol. 307r-312v (endorsed by Northampton).

<sup>84</sup>BL Cotton Ms Cleopatra F VI, fol. 72r-72v; Additional Ms 10038, fol. 375r-358v (15 January, 1613[1614]); also Thirsk, 'Crown as projector', 309-310 for the origins of encroachments.

<sup>85</sup>BL Additional Ms 10038, fol. 20v.

<sup>86</sup>BL Lansdowne Ms 165, fol. 119v (14 April, 1609); BL Additional Ms 10038, fol. 19r and 309v; BL Cotton Ms Cleopatra F VI, fol. 74r; Cotton Ms Titus B IV, fol. 361r-362v (undated); Lansdowne Ms 165, fol. 225v; HHL Ellesmere Ms 2610/7

<sup>87</sup>BL Additional Ms 10038, fol. 20v, 250r-253v (4 August, 1612).

<sup>88</sup>BL Lansdowne Ms 165, fol. 119v; BL Additional Ms 10038, fol. 19r; Additional Ms 10038, fol. 29r.

<sup>89</sup>BL Lansdowne Ms 165, fol. 119v; BL Additional Ms 10038, fol. 19r; BL Additional Ms 10038, fol. 29r (28 August, 1609); Additional Ms 10038, fol. 260r-261v (25 February, 1610[1611]).

<sup>90</sup>BL Lansdowne Ms 165, fol. 111v; Lansdowne Ms 165, fol. 119v; BL Additional Ms 10038, fol. 19r; Lansdowne Ms 172, fol. 336r-348v; PRO SP 14/87/75, fol. 154r-154v, SP 14/87/75I, fol. 155r-156v, SP 14/87/75II, fol. 157r-159v (all 30 June, 1616); HHL Ellesmere Ms 2610/10

<sup>91</sup>BL Harleian Ms 4807, fol. 22r-23v (undated; the project is endorsed by Salisbury); OBL Carte Ms 121, fol. 23r-26v, 50r-52v.

knighthoods;<sup>92</sup> right of marriage for widows; custody of lunatics; and other concealed obligations.<sup>93</sup> The surrounded marshes of the Fens were the foremost example of lands 'unfitt in care of the publique Father to be lost to the Common wealth' and remained the grandest land project throughout the Jacobean and Caroline periods.<sup>94</sup>

Cotton's goods and merchandizes are recognizable as commercial revenues. Customs and impositions were just one component; if every new imposition or customs increase were included, the projects in this realm would dwarf all others. In general, Cotton offered two major strategies for improving the customs, expanding trade and raising the import/export duties. Increase and balance of trade were sought with major projects: enforcement of the statute of employments and laws for preservation of bullion within the realm, dyeing and dressing cloth before export, and creation of a British fishing fleet.<sup>95</sup> The erection of houses of credit and exchange in major commercial cities was expected to improve trade, but this was not pursued.<sup>96</sup> Various customs projects singled out the Great Farm, currants, French and Rhenish wines, silk, tobacco, Irish customs, 3d tax on merchant strangers, and ulnage.<sup>97</sup> Ellesmere and Cranfield particularly concerned themselves with trade while the increases of customs duties by Dorset and Salisbury both in revision of the book of rates and laying new impositions is well known.<sup>98</sup>

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<sup>92</sup>BL Lansdowne Ms 165, fol. 111v; BL Additional Ms 10038, fol. 19v.

<sup>93</sup>BL Additional Ms 36767, fol. 131r-134v (15 January, 1607[1608]); BL Harleian Ms 4807, fol. 41r-42v (13 June, 1608); Additional Ms 10038, fol. 309v.

<sup>94</sup>Varying projects of this decades-long initiative are too numerous to mention, but the highlights include: BL Additional Ms 10038, fol. 226r-227v (12 August, 1613), 228r-229v (undated) 309v, and 224r-225v (16 July, 1619); Additional Ms 36767, fol. 286r-290v (26 November, 1610) and 307r-310v (7 and 16 July, 1611); HHL Ellesmere Ms 2610/7; BL Cotton Ms Titus B V, fol. 317r-318v (undated; endorsed by Northampton); Cotton Ms Titus F IV, fol. 316r-320v (18 July, 1605; parliamentary plans for such a project). Also Thirsk, 'Crown as projector', 310-314; Sharpe, Personal Rule, 121-122 and 253-256.

<sup>95</sup>BL Lansdowne Ms 165, 225v; HHL Ellesmere Ms 465, 478, 2610/4-5, 478 and 7; Prestwich, Cranfield, 178-186.

<sup>96</sup>BL Additional Ms 10038, fol. 43r-50v (8 August, 1608); Additional Ms 10038, fol. 36r (28 February, 1610[1611]); HHL Ellesmere Ms 465

<sup>97</sup>HHL Ellesmere Ms 2610/4-5; BL Lansdowne Ms 165, fol. 224v-225v, BL Additional Ms 10038, fol. 73r-77v (September and November, 1613), BL Harleian Ms 4807, fol. 62r-62v (undated). For the 3d tax see below, Chapter 8; Harleian Ms 5257, fol. 2r-17v (undated).

<sup>98</sup>HH Salisbury Ms 129, fol. 6r-8v (1610?); HHL Ellesmere Ms 2458 For projects to increase the book of rates, BL Lansdowne Ms 165, fol. 225v; PRO SP 14/86/25, fol. 39r-39v ([January?], 1616); below, 128-133 and 200-201.

Licensing new manufactures and commodities, many with attendant custom's duties, and revival of charges on others occupied countless projects: kelk for dyeing cloth;<sup>99</sup> execution of the statute of maulsters, one of many projects preserved by Caesar concerning brewing;<sup>100</sup> licensing alehouses and 'publick innes by way of rent yerely';<sup>101</sup> pinmaking;<sup>102</sup> projects for a fine on usury (as a form of commerce);<sup>103</sup> the making of 'sopeasshes';<sup>104</sup> the growth of mulberry trees in Britain and development of silkmaking;<sup>105</sup> dyeing with logwood;<sup>106</sup> reforming abuses in the paper trade;<sup>107</sup> alum;<sup>108</sup> steelmaking;<sup>109</sup> starchmaking.<sup>110</sup> These were just a few, but not without legal concerns, particularly on monopolistic grounds.<sup>111</sup>

Monarchs sometimes retained the sole trading and purveying of certain goods in their own hands. Edward I the wool staple, Edward III tin, Henry VI grain, and Elizabeth 'by warrant of privy seales' caused 'a greate proportion of beere to be purveyde transported and

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<sup>99</sup>BL Lansdowne Ms 165, fol. 111r; BL Additional Ms 10038, fol. 19v. Other dyeing projects are Additional Ms 10038, fol. 123r-129v; BL Cotton Ms Titus B V, fol. 302r-302v and 364r-365v. Also Thirsk, Policy and Projects, 35-40.

<sup>100</sup>BL Additional Ms 10038, fol. 19r; Additional Ms 10038, fol. 180r-188v (9 June, 1608). For others see Additional Ms 10038, fol. 158r-169v (1610-1611) and 176r-177 (7 July, 1616); OBL Carte Ms 121, fol. 83r-94v.

<sup>101</sup>HH Salisbury Ms 142, fol. 189r-193v (1604); HH Salisbury Ms 189, fol. 60r-60v ([1604]); BL Additional Ms 10038, fol. 19r; Additional Ms 10038, fol. 213r-214 (undated), 215r-215v (4 June, 1611), 216r-221v (6 July, 1607); BL Lansdowne Ms 165, fol. 225v.

<sup>102</sup>BL Lansdowne Ms 165, fol. 119r; BL Additional Ms 11038, fol. 19r; Lansdowne Ms 152, fol. 302r-329v (various 1606-1608); BL Cotton Ms Titus B IV, fol. 171r-171v (undated); Cotton Ms Titus B V, fol. 287r-288v (undated) and 314r-314v (undated). Also Thirsk, Policy and Projects, 78-83 and 149-150.

<sup>103</sup>BL Cotton Ms Cleopatra F VI, 67r. BL Additional Ms 10038, fol. 19r; Additional Ms 10038, fol. 30r; Additional Ms 10038, fol. 202r-203v (August, 1609), 204r-205v (3 May, 1610), 206r-207v (7 March 1611[1612]), 208r-209v (1 July, 1608), and 210r-211v (25 February, 1618[1619]); Cotton Ms Cleopatra F VI, fol. 76r; BL Lansdowne Ms 165, fol. 225v.

<sup>104</sup>BL Additional Ms 10038, fol. 19v; Additional Ms 10038, fol. 318r-319v (18 September, 1607). Also Thirsk, Policy and Projects, 6 and 102-105.

<sup>105</sup>BL Harleian Ms 4807, fol. 57r-60v (undated); BL Additional Ms 10038, fol. 20r; BL Cotton Ms Titus B V, fol. 195r-196v (copy of a project from the time of Henry VIII) below; HH Salisbury Ms 193, fol. 28r-28v ([1606]); PRO SP 14/25/6, fol. 16r-17v ([January?], 1607); PRO E 407/128 (18 November, 1609); E 407/128 (c. 31 December, 1612); Thirsk, Policy and Projects, 7, 120-122, and 143.

<sup>106</sup>OBL Carte Ms 121, fol. 95r-98v.

<sup>107</sup>BL Cotton Ms Titus B V, fol. 330r-331v (undated). Also Thirsk, Policy and Projects, 56-57 and 143.

<sup>108</sup>OBL Carte Ms 121, fol. 73r-82v.

<sup>109</sup>BL Cotton Ms Titus B V, fol. 373r-375v (undated; directed to 'the Lord Cooke').

<sup>110</sup>BL Additional Ms 36767, fol. 189r-191v (July, 1607); BL Lansdowne Ms 152, fol. 114r-130v (various 1609-1612); BL Cotton Ms Cleopatra F VI, fol. 76v-77r; Lansdowne Ms 165, fol. 225v; Cotton Ms Titus B IV, fol. 297r-298v; Cotton Ms Titus B V, fol. 295r-261v and 328r-329v. Also Peck, Northampton, 67-69 and Thirsk, Policy and Projects, 83-93.

<sup>111</sup>HHL Ellesmere Ms 2610/10; BL Cotton Ms Cleopatra F VI, fol. 46r-46v.



soulde to hir use beyonde the sea.'<sup>112</sup> At varying times prerogative pre-emption was proposed or employed in favour of cloth, lead, tin, alum, iron ordnance, wine, and salt, while foreign imports such as Spanish pepper and quicksilver, French salt, Florentine corn, and Italian alum attracted similar attention.<sup>113</sup> Purveyance was placed here because of its commercial nature and various projects for relief by composition were advanced (besides national efforts in parliament).<sup>114</sup>

Regalities snared a plethora of projects and James might well have become Henry VII *redivivus*--albeit not as Francis Bacon would have envisioned--had his ministers fully exploited them.<sup>115</sup> Cotton fashioned categories for temporal regalities and those simply called 'mixt'. Revenues of mixed regalities were primarily clerical: dispensation for pluralities; 'Restitution of the temporalities of Abbots and Bishops for w[hi]ch Hen[ry] the 7 receaved great sommes'; 'Corodies in cathedrall or collegiat Churches'; benefit at the vacancy of bishoprics; the tenth part of properties formerly held by religious houses, despite being in lay hands should be paid 'since they weere settled in the crowne by a former lawe'; the king could gain £20,000 annually if he exercised concurrent jurisdiction as had the pope and legates like Wolsey; tithes out of parishes;<sup>116</sup> finally, another of Henry VII's projects, the promotions to deaneries.<sup>117</sup>

Temporal regalities were largely the profits of justice and administration. Revival and enforcement of the Elizabethan statutes for apprentices offered large sums as we have

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<sup>112</sup>BL Cotton Ms Cleopatra F VI, fol. 46r. This project was posited in 1608, one Caesar described as 'short & prety.' BL Additional Ms 10028, fol. 21v.

<sup>113</sup>For varying projects see also the following references. Lead: BL Lansdowne Ms 165, fol. 111r; BL Additional Ms 10038, fol. 19v; Additional Ms 10038, fol. 189r-190v (24 January, 1606[1607]) and 191r-192v (30 March, 1619); BL Cotton Ms Titus B V, fol. 267r-267v. Tin: above, Chapter 2 and Additional Ms 36767, fol. 67r-68v (11 August, 1606), 212r-227v (October, November, 1608); Cotton Ms Titus B IV, fol. 336r-337v (undated); Cotton Ms Titus B V, fol. 406r-418v (undated; some with notes and endorsements by Northampton). Alum: Lansdowne Ms 165, fol. 225v; Cotton Ms Titus B V, fol. 351v-360v (undated; endorsed by Northampton). Iron ordnance: BL Additional Ms 10038, fol. 320r-321v (3 October, 1608); Pepper: Additional Ms 10038, fol. 21v and Additional Ms 10038, fol. 30r; BL Lansdowne Ms 165, fol. 225v. Also HHL Ellesmere Ms 2610/10 and 478.

<sup>114</sup>BL Lansdowne Ms 165, fol. 119r; BL Additional Ms 10038, fol. 19r; PRO SP 14/63/29, fol. 29r-29v, SP 14/66/9, fol. 9r-9v, and SP 14/66/17, fol. 17r-18v (11 September, 1611).

<sup>115</sup>HHL Ellesmere Ms 478; S. J. Gunn, Early Tudor Government 1485-1558 (London, 1995), 124-131.

<sup>116</sup>BL Additional Ms 36767, fol. 352r-357v; Additional Ms 10038, fol. 264r-268v.

<sup>117</sup>BL Cotton Ms Cleopatra F VI, fol. 51r, 67v, 72r; BL Additional Ms 10038, fol. 22r-, 30r, 119r, 265r-266v (22 September, 1607), and 267r-268v (undated); HHL Ellesmere Ms 2610/7 and 478; Additional Ms 36767, fol. 352r-357v (undated); BL Harleian Ms 4807, fol. 32r-34v (undated).



seen.<sup>118</sup> Two different suits sought a corporations of appraisers for inventorying the goods of the deceased.<sup>119</sup> Projects galore devised compositions and pardons which would have turned loose murderers, rapists, and felons as well as settling with those responsible for 'outlawries upon debt', 'uncustomed good', new buildings in London, and infractions against penal laws and proclamations;<sup>120</sup> general pardons found their way into projects similarly.<sup>121</sup> Payable fines were examined for dereliction by sheriffs, exemption from serving as justices of the peace or sheriffs, customs officers trading as merchants, prisoners who escaped while in charge, keeping of slanderous books against the king or state, grants of naturalization, excessive apparel, licences to keep retainers, and confirmation of liveries and coats of arms granted by former Kings;<sup>122</sup> old fines, amercements, and nichilled debts were targeted for recovery in similar projects.<sup>123</sup>

Impulses for creative bureaucracy were translated into new offices ranging from the useful to the ridiculous: keeper of patents for new inventions, various offices to hold bonds and recognizances, a register of all burials, christenings, and marriages, and a corporation dedicated to preserving ancient monuments and records.<sup>124</sup> Profits due from the seals of offices (Chancery and Exchequer particularly) had room for improvement.<sup>125</sup> Outright sale of offices was disapproved, but plans were afoot for entry fines to offices (a form of sale) and new honours and knighthoods to be sold upon completion of the Union—an impulse which seems to have been transferred to the creation of baronets.<sup>126</sup> Projects for 'small copper

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<sup>118</sup>BL Harleian Ms 4807, fol. 8r-9v and 24r-25v (undated); PRO SP 14/24/71, fol. 124r-124v (1606?); SP 14/24/72, fol. 125r-125v (1606?); SP 14/24/73, fol. 126r-126v (1606?); BL Additional Ms 10038, fol. 142r-143v (25 July, 1607), 132r-137v (1610), 140r-141v (13 November, 1611), 138r-139v (24 July, 1612), 130r-131v (4 March, 1612[1613]).

<sup>119</sup>BL Lansdowne Ms 165, fol. 119r; particularly BL Additional Ms 10038, fol. 19r-21v for the most amazing variety of these incidents; Additional Ms 10038, fol. 232r-240v (26 August, 1607) and 230r-231v (21 March, 1614[1615]).

<sup>120</sup>BL Cotton Ms Cleopatra F VI, fol. 67v.

<sup>121</sup>BL Additional Ms 10038, fol. 19r; PRO SP 14/80/1, fol. 1r (5 January, 1615); SP 14/80/38, fol. 55r; SP 14/80/115, fol. 181r; HHL Ellesmere Ms 445; OBL Carte Ms 121, fol. 1r-20v.

<sup>122</sup>BL Additional Ms 10038, fol. 20v-21r; BL Lansdowne Ms 165, fol. 225v; HHL Ellesmere Ms 465

<sup>123</sup>BL Additional Ms 10038, fol. 20v; HHL Ellesmere Ms 465.

<sup>124</sup>BL Cotton Ms Titus B V fol. 200r-201v, 210r-210v; BL Additional Ms 10038, fol. 21v-22r, 271r-272v (19 July, 1612).

<sup>125</sup>BL Cotton Ms Cleopatra F VI, fol. 67v.

<sup>126</sup>BL Lansdowne Ms 165, fol. 225v and Peck, Court Patronage, 9-28, 116-123, 162-198; 'Knighthoods of the Union, or the like.' BL Additional Ms 10038, fol. 19r; OBL Carte Ms 121, fol. 21r-22v, 27r-30v; HHL Ellesmere Ms 465; Lawrence Stone, Crisis of the Aristocracy (Oxford, 1965), 82-97 and generally.

monies of halfp[er]ce & farthings' were fools' gold that glinted in Jacobean eyes with variable brilliance.<sup>127</sup> An appropriate place to end with regalities is the collection of old debts, a major project of the period, but one which defies neat categorization owing to the diverse natures of the debts involved.<sup>128</sup>

Projects littering the king's own, while telling, are insufficient to assert their dominance in crown finance. Cotton's first table is crucial to the case: were projects advanced for grants of the subject and abatements?<sup>129</sup> The major popular grants were parliamentary subsidies, loans on privy seals, and voluntary offerings (benevolences, free gifts).<sup>130</sup> The significant area in which parliamentary revenue was addressed by projects were those to revise and increase the value of the subsidy, tenth, and fifteenth, but the political authority and will did not exist to deal with chronic undervaluations.<sup>131</sup> Loans and benevolences were conceived as projects. Two of Caesar's chief projects in 1609 were 'Privy seales not payed' from the round of 1604 and 'Newe privy seales to others.'<sup>132</sup> Following the forced loan of 1611, Cotton brought together among his projects lists of 'Men able to lend and yet lend not upon their Pr[ivy] Seales.'<sup>133</sup> In 1616, a project whereby 1000 people would be asked to lend £100 was offered, while Edward Coke proposed those who had particularly tasted of the King's bounty be asked for larger sums.<sup>134</sup> Cotton did much of the groundwork for the revival of benevolences, sifting and accumulating precedents, working papers, and past plans for such projects;<sup>135</sup> Henry Martin also proposed a benevolence, which Caesar

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<sup>127</sup>BL Lansdowne Ms 165, fol. 111v; Lansdowne Ms 165, fol. 119r; BL Additional Ms 10038, fol. 19r; BL Harleian Ms 4807, fol. 3r-4v (undated; endorsed by Salisbury), 10r-11v (undated), 12r-13v (9 May, 1609), and 52r-56v; Additional Ms 10038, fol. 36r; PRO SP 14/72/135, fol. 242r-243v, SP 14/72/136, fol. 244r-245v, SP 14/72/137, fol. 246r-246v, SP 14/72/138, fol. 247r-247v, SP 14/72/139, fol. 248r-249v, SP 14/72/140, fol. 250r-250v, SP 14/72/141, fol. 251r-252v, SP 14/72/142, fol. 253r-254v.

<sup>128</sup>BL Additional Ms 10038, fol. 19v-20v, 304r; Additional Ms 36767, fol. 121r-122v, 206r-207v; HHL Ellesmere Ms 2610/9; OBL Carte Ms 121, fol. 31r-32v.

<sup>129</sup>BL Cotton Ms Cleopatra F VI, fol. 66r.

<sup>130</sup>BL Cotton Ms Cleopatra F VI, fol. 66r.

<sup>131</sup>BL Lansdowne Ms 165, fol. 119r; BL Additional Ms 10038, fol. 19r; PRO SP 14/23/28, fol. 59r-60v, SP 14/23/29, fol. 61r-61v, SP 14/23/30, fol. 62r-63v SP 14/37/38, fol. 80r-80v; BL Harleian Ms 188, fol. 2r-32v (addressed to Northampton).

<sup>132</sup>BL Additional Ms 10038, fol. 19r; BL Lansdowne Ms 165, fol. 119r.

<sup>133</sup>BL Cotton Ms Titus B V, fol. 175r-180v (12 December, 1612).

<sup>134</sup>PRO SP 14/8763, fol. 126r-126v (19 June, 1616).

<sup>135</sup>BL Cotton Ms Titus B VI, fol. 126r-128v; Cotton Ms Titus B V, fol. 158r-159v and 174r-174v (erroneously catalogued as pertaining to privy seals); Cotton Ms Cleopatra F VI, fol. 301r-313v.

placed in his project volume;<sup>136</sup> a benevolence was collected in 1614 at the lead of Archbishop Abbot and the clergy. Cotton also included James' 'soveraigne right, as aides for knighting of ye K[ing's] eldest sonne or mariage of his Daughter' among grants. Salisbury pursued this project for Prince Henry in 1609 which accounts for the inclusion of 'Aides for the Lady Elizabeth' among Caesar's projects that same year.<sup>137</sup>

Retrenchment and reform figured unambiguously among projects.<sup>138</sup> A series of papers by Gerson Wilford and John Pount, an 'intymacon of the excessive arrerages and debtes retayned in the handes of the Kinges accomptantes ... contrarie to the lawes of this Realme in that case provided w[i]th the true cause thereof and the Remedie how it maie bee p[re]vented', was endorsed by Dorset as 'A proiect toching Acomptes' and kept by Caesar with his projects.<sup>139</sup> Cotton presented some of Wilford's reports to Northampton who read and endorsed them.<sup>140</sup> Among Salisbury's projects were those to redress the abuses of manorial stewards for better answering the king's rightful revenue and another for precise division of crown revenue among the four Exchequer tellers, lessening duplication and assigning accountability.<sup>141</sup> 'Abateme[n]ts of charges in the howsehold, wardrobe, Admiralty, ordina[n]ce, works, starcha[m]ber, liberties of the Excheq[uer], Ireland, Low Cou[n]tries etc' were projects looking for practical expression throughout the reign, first enunciated by Dorset and taken up by Caesar and Salisbury at his death.<sup>142</sup> This conceptualization of abatement is reinforced by the inclusion in Caesar's volume of the list of superfluous household officers which Dorset received from Knollys and Wotton.<sup>143</sup> During the ensuing years, Morgan Coleman, the officers themselves, Thomas Vavasour, and Cranfield all presented projects for household reform.<sup>144</sup>

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<sup>136</sup>BL Additional Ms 10038, fol. 241r-242v (25 April, 1612).

<sup>137</sup>BL Lansdowne Ms 165, fol. 119v; BL Additional Ms 10038, fol. 19r.

<sup>138</sup>Particularly HHL Ellesmere Ms 2610/2

<sup>139</sup>BL Additional Ms 10038, fol. 82r-82v respectively; the entire sequence of the papers are Additional Ms 10038, fol. 82r-122v.

<sup>140</sup>BL Cotton Ms Titus B IV, fol. 299r-300v.

<sup>141</sup>BL Harleian Ms 4807, fol. 18r-19v (undated) and 40r-40v (12 January, 1608[1609]; signed authorization by Salisbury).

<sup>142</sup>BL Additional Ms 10038, fol. 29v; BL Lansdowne Ms 165, fol. 111r (11 August, 1608); PRO SP 14/5/53, fol. 125r-125v.

<sup>143</sup>BL Additional Ms 10038, fol. 352r-353v (18 December, 1607).

<sup>144</sup>PRO SP 14/61/117, fol. 208r-208v (27 February 1611), SP 14/63/22, fol. 30r-30v, SP 14/63/23, fol. 31r-31v, SP 14/63/24, fol. 32r-32v, SP 14/94/57, fol. 89r-90v, SP 14/94/58, fol. 91r-92v, SP 14/94/59, fol. 93r-94v; BL

The marriage of Cotton's tabulae with actual projects decisively demonstrates that no facet of crown finance was untouched by the projecting mentality. There were over 150 significant projects examined or considered by James' ministers during the years 1603-1618.<sup>145</sup> Projects for lands were 32% of that total, followed closely by those for merchandize and goods (29%) and revenues derived from regalities (27%). Fewer projects for grants of the subject reflected the narrower scope for exploitation in this area, but were significant nonetheless, while projectors were even eager to confront the entrenched interests inside James' household. Far from being a preserve of commercial adventurers, numerous projects were advanced for the entire range of crown finance. At the same time the array of projects in categories of merchandize and regalities belie any Jacobean outlook described as 'fiscal feudalism', an anachronism more fitting for historiographic debates over feudal and early-modern society than application to a financial system which was never conceived in that way by James' ministers.<sup>146</sup> Projects were the conceptual basis of crown finance. The troika of chapters which end this thesis will advance from the project conceptualization to their central role in the making of fiscal policy.

### III

Before concluding this chapter it is necessary to examine aspects of the relationship between projects, the law, and political philosophy which were at the heart of conflicts over fiscal policy--Caroline as well as Jacobean. At the center were the monopolistic properties of many projects and letters patents combined with the increasingly assertive doctrine of necessity. In charting the course of her own study of projects, Joan Thirsk wrote: 'Thus we

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Cotton Ms Cleopatra F VI, 96r (undated; [c. between September 1612 and June 1613]); CKS U269/1, Ow150 and Ow10 (both April, 1618) [Cranfield Ms 4731 and 4753 respectively]; U269/1, Ow150 (8 October, 1619) [Cranfield Ms 6277].

<sup>145</sup>These are derived from the project lists of Dorset, Caesar, Salisbury, and the Treasury Commissions. BL Additional Ms 10038, fol. 314r-315v (24 September, 1606); BL Lansdowne Ms 165, fol. 111r-112v (11 August, 1608); Lansdowne Ms 165, fol. 119r-120v (14 April, 1609); Additional Ms 10038, fol. 19r-23v (10 August, 1609); Additional Ms 10038, fol. 28r-31v (28 August, 1609); BL Cotton Ms Cleopatra F VI, fol. 71r-77v (18 September, 1612); Lansdowne Ms 165, fol. 223r-227v (1 June, 1613); Lansdowne Ms 165, fol. 242v-243v (15 October, 1613); Lansdowne Ms 165, fol. 290r-291v (28 September, 1618); Lansdowne Ms 165, fol. 270r-271v (18 December, 1618). Duplications have been eliminated, as have projects which cannot reasonably be placed within one of Cotton's tabulae (only 8), as well as those for which the crown expressed no obvious interest of pursuing.

<sup>146</sup>Joel Hurstfield, 'The Profits of Fiscal Feudalism', *Economic History Review* 8 (1955), 53-61; Joel Hurstfield, *The Queen's Wards* (London, 1958), 311-325; Joel Hurstfield, *Freedom, Corruption, and Government in Elizabethan England* (London, 1973), 163-186.



must follow the path of those many currents that between 1580 and 1624 muddled a once-clear stream.... We cannot follow projects and ignore monopolies.<sup>147</sup> David Harris Sacks has done the most insightful work on monopolies, seconding their definition as "an institution or allowance by royal letters patent of or for the sole buying, selling, making, working, or using of anything whereby any person or persons, bodies politic or corporate, are sought to be restrained of any freedom or liberty that they had before, or hindered in their lawfull trade."<sup>148</sup> James' 1603 proclamation suspending all monopolies pending review seemed to give force to the late queen's hollow promises, but the redirection of crown revenues and patronage toward commercial sources accelerated under him.<sup>149</sup> Further, James' bounty was the principal demand made upon his revenues other than the household and offices of state. This was the beginning of a duel between the culture of patronage and provision for the responsibilities of governance which would shortly become acute. These forces ensured that patents and projects became even more prominent. 1603 represented something of a linguistic divide though. Euphemisms like 'suits', 'grants', 'impositions', and 'projects' replaced the tainted language of monopolies. The projector of a patent for licensing alehouses and inns in 1604 was careful to inform Salisbury that it was 'cleerly without the compasse of a monopolye, as the imposicon of a custome upon any comoditie'.<sup>150</sup> Tellingly, this project was among the big three patents around which the great monopolies debates of 1621 revolved.<sup>151</sup> 'We must therefore consider both together,' Thirsk writes appropriately, 'explain why scandals developed around monopolies, but demonstrate at the same time that a strong tide of healthy economic energy still surged through projects.'<sup>152</sup> Healthy fiscal energy is the tide this study seeks in conflicts over projects.

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<sup>147</sup>Thirsk, *Policy and Projects*, 51.

<sup>148</sup>David Harris Sacks, 'Private Profit and Public Good: The Problem of the State in Elizabethan Theory and Practice', Gordon J. Schochet (ed.), *Law, Literature, and the Settlement of Regimes* (Washington, DC, 1990), 123 and generally.

<sup>149</sup>Larkin and Hughes (eds.), *Proclamations: James I*, 11-14; Adams, 'patronage', 38-41.

<sup>150</sup>HH Salisbury Ms 189, fol. 60r.

<sup>151</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, VII, Appendix B.

<sup>152</sup>Thirsk, *Policy and Projects*, 51-52.



Contests among Stuart historians over political and constitutional theory have intensified considerably in recent years.<sup>153</sup> Stimulating as they may be, this is a study about the practical exercise of political power in financial affairs. Self-evidently, fiscal policy was not made in a vacuum devoid of political thought; neither was it subservient to paradigms of ancient constitutions or absolutism nor a problem child for the cause of Jacobean consensus. Like James himself, fiscal policy must be taken on its own terms. New and improved revenues were preferable to retrenchment because grants of the subject proved difficult in parliament, regular forced loans or benevolences were politically inadvisable, and borrowing bred 'nothing els but co[n]tinua[n]ce of care & dishonour & increaseth the wantes more & more as wofull experience hath already taught us.'<sup>154</sup> James' ministers were left with the king's own as the 'best' means to support his estate. In Cotton's words, 'Kinges have relieved their wants out of their **Sovereigne power** in disposing of Landes Marchandize & Regalities.'<sup>155</sup> The imperial prerogative was central to this course and James' ministers were forced to reconcile its utilization for explicit fiscal ends and the political repercussions of doing so. Thomas Fleming gave two expositions of the prerogative that are particularly significant for Jacobean fiscal policy; the first as solicitor-general in *Darcy v. Allen* (1602) and the other in Bate's case as chief baron of the Exchequer (1606).<sup>156</sup>

Monopoly patents--a subset of projects--proliferated in the 1580's and 1590's as patronage for Elizabeth's servants during those cash-starved war years.<sup>157</sup> The grants by letters patent awarded monopolies over inventions and manufacturing processes, 'exclusive

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<sup>153</sup>In chronological order: James Daly, 'The Idea of Absolute Monarchy in Seventeenth-Century England', *Historical Journal* 21 (1978), 227-250; Russell, *Parliaments*; J. P. Sommerville, *Politics and Ideology in England, 1603-1640* (London, 1986); Johann Sommerville, 'Ideology, Property and the Constitution', Richard Cust and Ann Hughes (eds.), *Conflict in Early Stuart England: Studies in Religions and Politics 1603-1642* (London, 1989), 47-71; Glenn Burgess, 'Revisionism, Politics and Political Idea in Early Stuart England', *Historical Journal* 34 (1991), 465-478; Glenn Burgess, *The Politics of the Ancient Constitution: An Introduction to English Political Thought, 1603-1642* (London, 1992); J. H. Hexter (ed.), *Parliament and Liberty from the Reign of Elizabeth to the English Civil War* (Stanford, 1992); Conrad Russell, 'Divine Rights in the Early Seventeenth Century', Morrill, Slack, and Woolf, *Public Duty*; Johann P. Sommerville, 'English and European Political Idea in the Early Seventeenth Century: Revisionism and the Case of Absolutism', *Journal of British Studies* 35 (1996), 168-194; Burgess, *Absolute Monarchy*.

<sup>154</sup>BL Lansdowne Ms 165, fol. 139r.

<sup>155</sup>BL Cotton Ms Cleopatra F VI, 44v [emphasis mine]. For a survey of prerogative principles related to finance, Clive Holmes, 'Parliament, Liberty, Taxation, and Property', Hexter, *Parliament and Liberty*, 122-137.

<sup>156</sup>PRO SP 12/268/47, fol. 111r-122v (1602) and J. R. Tanner, *Constitutional Documents of the Reign of James I* (Cambridge, 1952), 337-345 respectively.

<sup>157</sup>HHL Ellesmere Ms 2290; Adams, 'patronage', 38-41; Sacks, 'Private Profit', 124.

trading rights', and cancelled the rigor of penal statutes.<sup>158</sup> The drive for profits within a monopolistic structure increasingly tempted patentees into abuse and corruption, particularly as their rights were extended to established commodities and crafts.<sup>159</sup> The increasing rigour with which grants were defended by patentees and the crown—which had its own stake in the annual rents paid by holders—created public grievances which found strident voices in the parliaments of 1597-1598 and 1601.<sup>160</sup> Pledges of action by Elizabeth's councillors forestalled conflict in 1597, but their promises were never made good and provoked disputations in 1601 which David Dean has characterized as the most outspoken in any Elizabethan parliament.<sup>161</sup> 'Rituals of accommodation' in the masterful speeches of Elizabeth and Robert Cecil helped soothe tempers, but concrete action had more to do with defusing political conflict.<sup>162</sup> Elizabeth promised swift justice over patents which she delivered by proclamation—printed copies were presented to members within days.<sup>163</sup> Many were suspended outright while Elizabeth sanctioned testing the rest in the courts.<sup>164</sup>

Compromise was forced on Elizabeth and her ministers because they urgently needed parliamentary supply; their acquiescence was political and defensive.<sup>165</sup> Protecting the prerogative was central. The council had already forestalled a common pleas' suit against Edward Darcy, a groom of the chamber who held the playing card patent, to prevent Elizabeth's prerogative being called into question.<sup>166</sup> Parliamentary murmurs of a bill against monopolies demanded pre-emption.<sup>167</sup> Elizabeth's proclamation removed the matter from parliamentary hands and cauterized the political wounds, making the best of a bad situation. The real test came the following year when Darcy challenged Elizabeth's proclamation as an

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<sup>158</sup>David Dean, Law-making and Society in Late Elizabethan England: The Parliament of England 1584-1601 (Cambridge, 1996), 85; J. E. Neale, Elizabeth I and her Parliaments 1584-1601 (London, 1957), 352.

<sup>159</sup>Sacks, 'countervailing', 273; Dean, Parliament 1584-1601, 85-92.

<sup>160</sup>Sacks, 'countervailing', 273-275; Sack's 'Private Profit', 128-133.

<sup>161</sup>Dean, Parliament 1584-1601, 91-92; Neale, Parliament 1584-1601, 352-355.

<sup>162</sup>The expression is from Sacks, 'countervailing', 282-289; Dean, Parliament 1584-1601, 91-92 and Neale, Parliament 1584-1601, 384-393.

<sup>163</sup>Neale, Parliament 1584-1601, 385-387.

<sup>164</sup>Paul L. Hughes and James F. Larkin (eds.), Tudor Royal Proclamations Volume III: The Later Tudors (1588-1603) (New Haven, 1969), 235-238. The proclamation further cancelled all privy council letters which had been issued to assist enforcement. Also, Dean, Parliament 1584-1601, 90-92.

<sup>165</sup>Dean, Parliament 1584-1601, 90-92.

<sup>166</sup>Hughes and Larkin (eds.), Tudor Proclamations, III, 236n; Dean, Parliament 1584-1601, 86-87.

<sup>167</sup>Sacks, 'Private Profit', 126-128.

infringement of his patent which thereby allowed others to flout it. The council agreed with Darcy and imprisoned the offenders pending trial by law; hardly an act within the spirit of the proclamation, but one consistent with its crucial clause. The proclamation declared 'that if any of her subjects shall seditiously or contemptuously call in question the power or validity of her prerogative royal annexed to her imperial crown in such causes; all such persons offending shall receive severe punishment according to their demerits.'<sup>168</sup> Members who opposed a bill recognized their inability to bind the prerogative and that 'practical remedy against the patentees depended upon the queen's good-will.'<sup>169</sup>

Thomas Fleming's spirited demurrer proclaimed that Elizabeth's prerogative could give legal force to Darcy's patent.<sup>170</sup> *Darcy v. Allen* was the opportunity to defend the use of patents despite Elizabeth's goodwill; their utility was too great. Fleming asserted the importance of subjects understanding the sovereign authority which bound them rather than disputing their prince's power.<sup>171</sup> The ancient and fundamental laws were the sinews which bound the head and body and by which the head commanded and governed the body.<sup>172</sup> Justice, a perfect virtue, was the end of law, to which end the ancient laws entrusted English monarchs with plenary powers to give it 'force effect and efficacy' for the common good.<sup>173</sup> The coronation oath was the ultimate sanction for 'If the lawe require such an oathe of the k[ing], will not the lawe geve him powers to p[er]forme it?'<sup>174</sup> The sovereign's power was greater than the law because the law is 'nothing unlesse it be directed and used', a responsibility entrusted to the monarch.<sup>175</sup> Fleming reconciled the inequitable relationship between law and monarch with his exposition of a dual prerogative.<sup>176</sup>

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<sup>168</sup>Hughes and Larkin (eds.), Tudor Proclamations, III, 237.

<sup>169</sup>Sacks, 'Private Profit', 128.

<sup>170</sup>PRO SP 12/286/47, fol. 111r.

<sup>171</sup>PRO SP 12/286/47, fol. 111v.

<sup>172</sup>PRO SP 12/286/47, fol. 111v.

<sup>173</sup>PRO SP 12/286/47, fol. 112r.

<sup>174</sup>PRO SP 12/286/47, fol. 112v.

<sup>175</sup>PRO SP 12/286/47, fol. 112v.

<sup>176</sup>There are a number of discussions on the dual nature of the prerogative and its place in a wider perspective: Francis Oakley, 'Jacobean Political Theology: The Absolute and Ordinary Powers of the King', Journal of the History of Ideas 29 (1968), 323-346; John Guy, 'The "Imperial Crown" and the Liberty of the Subject: The English Constitution from Magna Carta to the Bill of Rights', in Bonnelyn Young Kunze and Dwight D. Brautigan (eds.), Court, Country, and Culture: Essays on Early Modern British History in Honour of Perez Zagorin (Rochester, 1992), 69; Sommerville, Politics and Ideology; Burgess, Ancient Constitution, 139-162; Burgess, Absolute Monarchy, 17-62.

The monarch possessed an ordinary prerogative within the law's command, but also one which was 'absolute indefinite, not limitted, and above all lawes, that is not to be disputed by the ordinarie forme of lawe.'<sup>177</sup> Fleming's examples of the absolute prerogative included powers of war and peace, summoning and dissolving parliament, and coinage, but--crucially--there were 'infinite more in nomber ... to take order and provyde for the benefitt and safety of the Realme from the enemyes abroade, from evell manner at home and to doe all thinges for the health of the comon wealth as the occurents and affaires of the state requires.'<sup>178</sup> Subjects must assume monarchs exercised their absolute prerogatives to 'sett order and policie amongst us', therefore they 'must submitt and not dispute their reasons and causes.'<sup>179</sup> In effect, the absolute prerogative was employed for reasons of state, for the preservation and advancement of the common weal, at the discretion of the sovereign.<sup>180</sup>

Fleming supported monopolistic control over playing cards because it stemmed the evil social consequences of unfettered gaming and gambling, an act encompassed within the promotion of commonweal, but his real interest was in buttressing patents generally. To the argument that patents benefited a few at the expense of many, Fleming countered that the inequitable distribution of favour by royal action was the essence of patronage.<sup>181</sup> In fact, 'so incident and insepar[er]able is this prerogative to the crowne to grante priviledges &c. that it cannot be checked or tyed up by expresse wordes of Act of Parliam[en]t', though the monarch could voluntarily assent to parliamentary restraints.<sup>182</sup> Fleming believed it more important to delineate the **present** circumstances in which grants could be made, yet even these limitations were qualified.<sup>183</sup> Elizabeth could not change the law with a patent, except where it had no purchase.<sup>184</sup> However, to assert that 'all priviledges granted against the comon lawe shold be

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<sup>177</sup>PRO SP 12/286/47, fol. 112v.

<sup>178</sup>PRO SP 12/286/47, fol. 113r.

<sup>179</sup>PRO SP 12/286/47, fol. 113r.

<sup>180</sup>Fleming wrote: 'By vertue of this power and authoritie the k[ing] of this lande to prevent anie evell or inconvynence groweing in the comon wealth have used according to their owne princely prudence and wisdom publickly to cause p[ro]clamacons to be made in all k[ings] tymes sometymes comanding sometymes forbidding according to the occurrents and necessarie affaires of state, and as the nature of the cause happening required.' PRO SP 12/286/47, fol. 113r.

<sup>181</sup>PRO SP 12/286/47, fol. 114r-114v.

<sup>182</sup>PRO SP 12/286/47, fol. 114v. Fleming carefully drew attention to the power of the sovereign with a non obstante to dispense with prohibitions of this sort. SP 12/286/47, fol. 114v.

<sup>183</sup>PRO SP 12/286/47, fol. 114v.

<sup>184</sup>PRO SP 12/286/47, fol. 114v-115v.



void were asmuch to saie no priviledge can be granted, for every priviledge is in some kinde or degree against the comon lawe, otherwise it were no priviledge'.<sup>185</sup> Rather, patents which crossed the common law 'in genere' were not allowable, but those which contravened only some particular and held no apparent injustice were legal.<sup>186</sup> The construction was usefully vague.

Particularly significant to fiscal policy and projects was Fleming's discussion of whether patents could impose a charge—effectively a tax—on the subject. His answer was negative, but equivocal. The subject could not be charged 'for the benefit of anie p[er]sonne unlesse the cause wherfore it is imposed doth bring a benefitt [or commodity] also to the subiect that is to be charged'.<sup>187</sup> Fleming employed the example of the ferry, only the subject who paid the toll benefited, but strayed into greyer areas: 'the k[ing] by his grante may erect an office and grante a reasonable fee to the officer if it be such an office as tend to the good of the comonwealth and to the furtherance of Iustice and upright dealing in contractes, buyeing, sellinge, and comerce'.<sup>188</sup> This sort of economic regulation was exemplified by offices for ulnage of cloth, town markets, inspection of London packer-ships, weights and measures, garbling spices, and sealing new drapery—all of a kind with the project patents which we will encounter again.<sup>189</sup> Further, Fleming refuted the contention that the monarch could not grant patents which entailed injury to the subject. This rule was true in general, but where a patent advanced the common good and the public gain was greater than that to the patentees it was allowable.<sup>190</sup>

It plainly appeared, concluded Fleming, 'that in speciall cases priviledges may be granted albeit the same doe touch the enheritance, goodes, liberties, or trades of private p[er]sons and be to their preiudice hurt damage or losse, But then are they moste to be allowed when as either by a consequence or by a meanes a more publick or comon good may ensue then the private losse of anie one man or of a few w[hi]ch is not to be regarded'.<sup>191</sup>

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<sup>185</sup>PRO SP 12/286/47, fol. 115v.

<sup>186</sup>PRO SP 12/286/47, fol. 115v-117r.

<sup>187</sup>PRO SP 12/286/47, fol. 117r.

<sup>188</sup>PRO SP 12/286/47, fol. 117r.

<sup>189</sup>PRO SP 12/286/47, fol. 117r-117v.

<sup>190</sup>PRO SP 12/286/47, fol. 118r-118v.

<sup>191</sup>PRO SP 12/286/47, fol. 119r.



While it would seem requisite at this juncture to judge Fleming's statements within Jacobean political philosophy, a different perspective may prove more valuable.<sup>192</sup> Significantly patents did not end with Elizabeth's proclamation, nor James' own in 1603, not even with the act against monopolies passed finally in 1624.<sup>193</sup> *Darcy v. Allen* allowed Fleming to articulate a legal and philosophical case for patents and projects, but this must not obscure the fact that he was defending an important, practical tool of governance. The true rationale for patents was the fiscal necessity of the crown, but that was not an argument which held sway in the two forums which might challenge them. The plain language of financial need was a discourse inapplicable in the law courts and politically untenable in parliament except for requesting supply.<sup>194</sup> Law and prerogative were the discursive languages in which patents must be defended. Fleming accomplished that by employing the dual prerogative and his exposition of the discretionary powers granted to the monarch through its absolute component, cleverly defined in terms of public good and reason of state. But necessity of state, in this case fiscal necessity, underpinned the argument.

Fleming turned back legal challenges to patents for twenty years, but helped stir political tensions with his protection of another product of fiscal necessity: impositions. John Bate's refusal to pay the impost on currants handed Dorset and Salisbury a test-case with which to publicly assert the legality of extra-parliamentary customs, a new source of revenue toward which both ministers were favourably disposed.<sup>195</sup> Fleming again drew upon the dual prerogative in his judgment. The king's absolute prerogative, 'most properly named policy and government' was exercised for 'the general benefit of the people and is *salus populi* and varied according 'to the wisdom of the King for the common good'.<sup>196</sup> Importantly, the

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<sup>192</sup>These judgements have been offered most recently in Sommerville, *Politics and Ideology*, 37-38 and 108 regarding similar arguments by Fleming in Bate's case; Burgess, *Ancient Constitution*, 165-166 on Fleming's views generally; David Harris Sacks, 'Parliament, Liberty, and the Commonweal', Hexter (ed.), *Parliament and Liberty*, 95-98; Burgess, *Absolute Monarchy*, 83-86.

<sup>193</sup>Conrad Russell, 'English Parliament 1593-1606: One Epoch or Two?', D. M. Dean and N. L. Jones (eds.), *The Parliaments of Elizabethan England* (Oxford, 1990), 200.

<sup>194</sup>On the latter point, for instance, Foster (ed.), *Proceedings 1610*, I, 22-23, 69, and 218.

<sup>195</sup>Pauline Croft, 'Fresh Light on Bate's Case', *Historical Journal*, 30 (1987), 530-536. The political theory in Bate's case is argued in Sommerville, *Politics and Ideology*, 151-162; Burgess, *Ancient Constitution*, 140-141; Burgess, *Absolute Monarchy*, 78-81.

<sup>196</sup>Tanner (ed.), *Constitutional Documents 1603-1625*, 340-341.

infinite numbers of absolute prerogatives Fleming wrote of in *Darcy* were expanded to include 'all commerce and affairs with foreignes', in which case James had 'done well to execute his extraordinary power' in laying the currant imposition.<sup>197</sup> Fleming had taken advantage of the absolute prerogative's vagueness to defend a new tool of fiscal policy. Further, currants were properly a Venetian commodity; depriving Bate's of his goods without parliamentary consent was an inapplicable argument.<sup>198</sup> By law and precedent, the king could impose on foreign commodities for the common good, and his 'wisdom and providence' were not to be disputed.<sup>199</sup>

Fiscal necessity was implicit to Fleming's arguments in *Darcy v. Allen*, but remained unexpressed. This changed in 1606 with James' necessities and the explicit intention of Dorset and Salisbury to re-endow the crown with impositions.<sup>200</sup> Fleming admitted they were 'imposed by the King without Parliament upon merchandise for the augmentation of his revenues', but it was Baron Clarke who articulated this as reason of state: 'And as it is not a kingdom without subjectes and government, so he is not a King without revenues, for without them he cannot preserve his dominions in peace, he cannot maintain war, nor reward his servants according to the state and honour of a King; and the revenue of the Crown is the very essential part of the Crown, and he who rendeth that from the King pulleth also his crown from his head, for it cannot be separated from the Crown. And such great prerogatives of the Crown, without which it cannot be, ought not to be disputed'.<sup>201</sup> Fleming did not dissent, asserting 'when the King is in want he is to be relieved by a general imposition or subsidy upon all the subjects', but he could not effectively reconcile the logical extension of his and Clarke's opinions, that 'if he may do so much [with impositions], he may do it *in infinitum* and upon all other merchandise.'<sup>202</sup> This exercise of the absolute prerogative for

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<sup>197</sup>Tanner (ed.), *Constitutional Documents 1603-1625*, 341.

<sup>198</sup>Tanner (ed.), *Constitutional Documents 1603-1625*, 342.

<sup>199</sup>Tanner (ed.), *Constitutional Documents 1603-1625*, 343-344.

<sup>200</sup>Below, 136-152.

<sup>201</sup>Tanner (ed.), *Constitutional Documents 1603-1625*, 338. Compare with the language discussed in Maurizio Viroli, *From Politics to Reason of State: The acquisition and transformation of the language of politics 1250-1600* (Cambridge, 1992), 238-280. Clarke concluded: 'and in these cases of prerogative the judgment shall not be according to the rules of the Common Law, but according to the precedents of this Court wherein these matters are disputable and determinable.' Tanner (ed.), *Constitutional Documents 1603-1625*, 338. .

<sup>202</sup>Tanner (ed.), *Constitutional Documents 1603-1625*, 343.

fiscal necessity was supported by precedent--'it were lawful in ancient times ... and the Crown hath the same attributes that then it had'<sup>203</sup>--and must be 'referred to the wisdom of the King, who guideth all under God by his wisdom, and this is not to be disputed by a subject'.<sup>204</sup> The crux of these arguments was that the absolute prerogative was employed *salus populi* and the common good and preservation of the king's state demanded James' necessity be relieved. Impositions were legal, indisputable, and justifiable for reasons of state, for securing the state against perilous fiscal necessity.

This still remained a legal and philosophical argument to defend a practical policy and the real challenges of governance in fiscal matters. In that respect, the lament of Henry IV of France in George Chapman's Conspiracie, and Tragedie of Charles Duke of Byron might have been James' own:

I neuer sought to build,  
More forts for me, then were within their hearts;  
Nor vse more sterne constraints then their good wills,  
To succor the necessities of my crowne,  
That I desird to ad to their contents  
By all occasions, rather then subtract;  
Nor wisht I, that my treasury should flow,  
With gold that swum in, in my subiectes teares;  
And then I found no man, that did not blesse,  
My few yeares raigne, and their triumphant peace,  
And do they now so soone, complaine of ease?'<sup>205</sup>

Necessity was likewise an operative concept for James and his ministers because fiscal necessity was an unchanging reality. Bacon called necessity 'the great god of the powerful' while Dorset even refused to enforce a statute against transporting goods in flat-bottomed boats 'because some Custome is come to the King'.<sup>206</sup> Northampton triumphed necessity as the reason for supplying James' wants in 1610 and Salisbury warned parliament that necessity

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<sup>203</sup>Tanner (ed.), Constitutional Documents 1603-1625, 344.

<sup>204</sup>Tanner (ed.), Constitutional Documents 1603-1625, 343-344.

<sup>205</sup>George Chapman, The Conspiracie, and Tragedie of Charles Duke of Byron, Marshall of France (London, 1608), M2r.

<sup>206</sup>Richard Tuck, Philosophy and Government 1572-1651 (Cambridge, 1993), 109; David Harris Willson (ed.), The Parliamentary Diary of Robert Bowyer 1606-1607 (Minneapolis, 1931), 205.

would compel extensive prerogative exploitation otherwise.<sup>207</sup> Necessity held only marginal sway in parliament though and Francis Tate avowed that 'If the King in necessity extend his prerogative, that is no sufficient ground of the right'.<sup>208</sup>

Caesar captured the prevailing mindset among James and his ministers: 'the king in using his owne right wrongeth no ma[n]'.<sup>209</sup> Salisbury concurred on legal and theoretical grounds, sounding much like Fleming: 'Although there hath been many curious questions made, of prince's power to impose upon their subjects, some restraining it only to commodities brought in and transported, others stretching it farther (all grounding their arguments upon several differences and distinctions) ... Yet I am well resolved, that princes which are the parents of the commonwealth and have the same tutelage, have power in case of politique necessity, to help themselves in their body politique, by the subjects fortunes'.<sup>210</sup> 'I think it such a kind of sacrilege to dispute of the power of a king,' Salisbury continued, 'as I esteem it more safe to shun those rocks'. For Salisbury, it was better to question 'whether the practice be seasonable for the time, than to dispute the authority, for time is the great commander in the actions of men.' Necessity commanded Jacobean fiscal policy and projects were those most seasonable instruments for that time.

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<sup>207</sup>Foster (ed.), Proceedings 1610, I, 22-23 and Foster (ed.), Proceedings 1610, II, 53-56, 301, and 304.

<sup>208</sup>Gardiner (ed.), Debates 1610, 83.

<sup>209</sup>BL Lansdowne Ms 151, fol. 35v.

<sup>210</sup>Croft (ed.), 'Several Speeches', 288.

### CHAPTER 3

## Busses and Fishing

### (A Project Case-study)

#### I

'Thus are wee eaten out in Trade and the bread taken out of our mouthes in our owne Seas and the great Customes averted from yo[u]r Ma[jes]ties cofers to forraine Princes and States by the greatnes of their Busses and multitude they take 19 weeks before our ffishings beginne at Yarmouth and our ffishinge lasts but vij weeks with small crayers and cobles where there great Busses continue the herringe ffishinge 26 weeks together'.<sup>1</sup> The writer borrowed from the renowned commercial projector John Keymer and told a compelling story of 10,000 Dutch vessels, an armada of 100-ton fishing ships (busses), descending upon British waters and taking home more wealth than the king of Spain reaped from his treasure fleets in four years.<sup>2</sup> This undersea bounty put 40,000 Dutch to work while the British took 'the least p[ar]te and make the least imployment'.<sup>3</sup> 'We are daily skorned by these Hollanders,' wrote Tobias Gentleman in 1614, 'for being so negligent of our profite, and carelesse of our fishing, and they do daily floute vs that be the poore Fishermen of England, to our faces at Sea, calling to vs and saying ... You English, we will make you glad to weare our old shoes.'<sup>4</sup>

That 'honor[able] and woorthie Comon Wealthe man, the Lord Burleigh' appreciated the economic consequences of foreign fishing fleets plying English coastal waters.<sup>5</sup> Addressing parliament in 1563, Cecil decried maritime decay in the lack of ships and mariners.<sup>6</sup> The causes were obvious: foreign bottoms brought most goods to England and 'the hearinges and other sea fissh taken upon our coast and brought and sold by strangers into the portes of the realme to the very inhabitantes of the portes that wer wont to be fishermen'.<sup>7</sup>

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<sup>1</sup>CKS U269/1.OE1575 [Cranfield Ms 8939] (20 December, 1622).

<sup>2</sup>CKS U269/1.OE1575 [Cranfield Ms 8939].

<sup>3</sup>CKS U269/1.OE1575 [Cranfield Ms 8939].

<sup>4</sup>Tobias Gentleman, *England's Way to Win Wealth, and to employ Ships and Marriners* (London, 1614), 44.

<sup>5</sup>CKS U269/1.OE1575 [Cranfield Ms 8939].

<sup>6</sup>T. E. Hartley (ed.), *Proceedings in the Parliament of Elizabeth I 1558-1581* (Leicester, 1981), 103-104.

<sup>7</sup>Hartley (ed.), *Proceedings 1558-1581*, 104.



Generating demand within the domestic economy was the way to produce a revival of the fishing industry and recovery of maritime health.<sup>8</sup> Ordaining Wednesdays an additional fish day was advocated to reverse the decline in demand since the reformation.<sup>9</sup> Such measures were ordered by statute and proclamation, but did little to counter Dutch ascendancy through their established position in the trade and economies of scale; they largely supplied whatever increased demand was produced, defeating the legislation's or proclamation's purpose.<sup>10</sup> Elizabeth's reign offered no solutions.

Commercial expansion consequent upon peace in 1604, worrisome growth in Dutch maritime wealth, and swelling customs revenues increasingly drew the attention of James' ministers to trade.<sup>11</sup> Emphasizing less the decay of mariners and ships than their Elizabethan counterparts, Jacobean councillors and projectors cited economic injury (decay of coastal towns, loss of trade and unemployment) in condemning foreign fishing fleets.<sup>12</sup> A spectrum of initiatives looked to confront the Dutch mastery. They were projects to license busses for a fee, a tax on the aggregate catch of each ship, forced incorporation of all fishing vessels in British waters, and construction of a rival fishing fleet to wrest the trade from the Dutch.

The previous chapter painted the history of projects with a broad brush. This chapter exchanges that breadth for a depth of field which only a case-study can achieve. Busses and fishing in their various guises outstandingly exemplify the characteristics of Jacobean projects: their use of historical precedent; the lure of unrealized revenues; the prerogative basis for the scheme; the crown's incapacity to undertake the initiatives itself; the opportunistic sale of projectors' services; finally, the recurring inability to secure the promised gains, the projectors' 'large promises & litle p[er]formans' in the words of Lord

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<sup>8</sup>Hartley (ed.), Proceedings 1558-1581, 105.

<sup>9</sup>G. R. Elton, The Parliament of England 1559-1581 (Cambridge, 1986), 258-262.

<sup>10</sup>Frederic A. Youngs, Jr., The Proclamations of the Tudor Queens (Cambridge, 1976), 35-36 and 123-125; Elton, Parliament 1559-1581, 258-262.

<sup>11</sup>The richness of the commercial question is elucidated in T. W. Fulton, The Sovereignty of the Sea (Edinburgh, 1911), 118-534 (overlooking the old anti-Stuart bias); B. E. Supple, Commercial Crisis and Change in England 1600-1642 (Cambridge, 1970); C. G. A. Clay, Economic expansion and social change: England 1500-1700 (2 volumes; Cambridge, 1984); Jonathan Israel, Dutch Primacy in World Trade, 1585-1740 (Oxford, 1989); Robert Brenner, Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653 (Cambridge, 1993)—among many works.

<sup>12</sup>BL Lansdowne Ms 142, fol. 375r (1 February, 1607).

Treasurer Dorset.<sup>13</sup> However, despite its changing faces and the activism of undertakers, this project remained a government initiative and allows us to fully explore something other than the familiar project suits pressed within the patronage culture. For this reason, busses and fishing were untainted by the contemporary hostility toward projects and thus represent an important corrective to projects' negative reputation.

## II

Fishing projects shared a common heritage and Elizabethan precursors exist for two of them. Nearly every subsequent tract, book, or pamphlet produced in the next 35 years on Dutch fishing was based on information available in John Dee, Robert Hitchcock, John Keymer, and Tobias Gentleman. In the 1570's, Dee and Hitchcock wrote alarmingly of Dutch hegemony.<sup>14</sup> Keymer recorded copious observations of maritime activity in his Elizabethan travels which underwent a bewildering series of permutations as projects and were heavily 'borrowed' from by others.<sup>15</sup> Around 1601 Keymer composed a long discourse on the advantages to be gained from establishing an English monopoly of the export of seacoals.<sup>16</sup> Shortly thereafter he documented in similar detail the Dutch fishing industry.<sup>17</sup> Keymer described its productive wealth, methods of the industry, and the profits which might accrue to England through imitation.<sup>18</sup> In 1612 Walter Cope apparently presented a work to James on the decay of the state due to the encroachment of foreign traders.<sup>19</sup> A copy with an expanded introduction notes that 'onlye one well affected Englishman, John Keymes m[er]chant hath made observatio[n] thereof.'<sup>20</sup> A similar tract is titled: 'Certayne Notes

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<sup>13</sup>HH Salisbury Ms 120, fol. 150r (5 April, 1607).

<sup>14</sup>Hitchcock's original memorial is BL Lansdowne Ms 14, fol. 70r-76v (1574). John Dee, General and Rare Memorials pertayning to the Perfect Arte of Navigation (London, 1577).

<sup>15</sup>The only extant copy of his original entreaty to Elizabeth seems to be CKS U269/1.OE1515 [Cranfield Ms 6896]. Keymer also presented Queen Elizabeth with notes and projects based on Portuguese trade and commercial policies. Cotton Ms Titus B V, fol. 245r-249v. Also, though of uneven quality, M. F. Pritchard (ed.), Original Papers Regarding Trade in England and Abroad Drawn up by John Keymer for the Information of James I (New York, 1967).

<sup>16</sup>U269/1.OE1515 [Cranfield Ms 6896].

<sup>17</sup>The closest account to his original observations on fishing in 1601 is part of U269/1.OE1575 [Cranfield Ms 8939] and a later reprint titled John Keymers Observations Made Upon The Dutch Fishing About the year 1601 (London, 1664), the title page of which notes it was 'Printed from the Original Manuscript, for Sir Edward Ford'.

<sup>18</sup>BL Additional Ms 17478, fol. 22r-28v.

<sup>19</sup>PRO SP 14/71/89, fol. 164r-177v ; a draft of which is PRO SP 14/71/90, fol. 178r-190v.

<sup>20</sup>BL Additional Ms 22591, fol. 56r; PRO SP 14/71/89, fol. 164r. For the proposed connection of Cope, as well as Gerard de Malynes and Walter Raleigh, to this tract, see Fulton, Sovereignty, 128n.

taken out of Mr John Kemors proiect for fyshing that theire is more wealth made of ffish gotten by the Hollanders and other n[a]tyons uppon the coasts of England, in one yeare then the Kinge of Spayne hath in fower oute of the Indydes.<sup>21</sup> The same language was employed by projector Richard Rainsford in September 1613: 'The hollanders, as it is s[ai]d have more benefits in one yere by their fisshing then the king of Spaine in 4 yeres by his Indies.<sup>22</sup> Keymer and Gentleman had contacts with each other as well.<sup>23</sup> Together with their Elizabethan predecessors, they established the Jacobean perception of the Dutch fishing trade and supremacy.

Fishing projects, in one form or another, found almost unanimous support from James and his ministers. The projector's songs of maritime growth, employment at home, and thousands in new customs revenues were irresistible, as were the cries of native fishermen against foreign nations beating upon the British coasts.<sup>24</sup> The basis for any project along these lines was the assertion of sovereignty in territorial waters and the king's exclusive commercial rights within them. The capital-poor crown looked most favourably on the licensing project before 1611. Salisbury and Northampton seem to have been the driving force behind it, but it also interested Dorset and Caesar.<sup>25</sup> It particularly demanded a clear statement of James' sovereignty and a draft proclamation was composed to that effect with a prohibition of fishing British waters without license of the crown.<sup>26</sup> The draft and instructions were sent to Caesar—among others—for perusal because Henry VII's Burgundian treaties apparently contained clauses which might nullify the prohibition.<sup>27</sup> Caesar believed

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<sup>21</sup>BL Additional Ms 17478, fol. 22r.

<sup>22</sup>BL Lansdowne Ms 165, fol. 243r (1 September, 1613).

<sup>23</sup>'In the course of his investigation of the fishing trade Keymer consulted Gentleman'. Peck, Northampton, 142. Given the appearance of Keymer's information in other works and his own subsequent publication, Gentleman's version of their relationship seems disingenuous. He wrote: 'It was my fortune, some two yeares past, to bee sent for into the company of one Maister John Keymer, who is a man very well deseruing of his Country, and hee knowing me to haue experience of Fisher affaires ... shewed vnto mee some few notes that hee had gathered and gotten from other men of my trade, which hee seemed greatly to esteeme of: for that himselfe was altogether vnexperienced in such businesse, and further, I deliuered to him certaine principall notes which he seemed greatly to esteeme'. Gentleman, Englands Way to Win Wealth, 3-4.

<sup>24</sup>BL Lansdowne Ms 798, fol. 80r; BL Additional Ms 17478, fol. 28r.

<sup>25</sup>Northampton had practical example of licensing as warden of the Cinque Ports. Peck, Northampton, 74.

<sup>26</sup>BL Lansdowne Ms 142, fol. 358v.

<sup>27</sup>BL Lansdowne Ms 142, fol. 375r-375v. The others were Secretary Herbert, Sir Danyell Dun, Sir Thomas Crompton, and Sir Griffith Perkins, but Caesar's experience as a former Admiralty judge with the Burgundian treaties put him firmly in the lead. BL Lansdowne Ms 154 (his volume of Burgundian contracts and treaties) and Lansdowne Ms 151, fol. 207r-216v (calendar of his book of foreign treaties).

there was no reason to prevent such a proclamation, but it wasn't until April 1609, 'having co[n]fered w[i]th the ffishermen touch[ing] the season of all the ffishings uppon his Ma[jes]ties coasts' that he advised it go forward.<sup>28</sup> The Council proceeded on 6 May and defended the project along two lines.<sup>29</sup> In very Elizabethan fashion it asserted the economic devastation of unchecked foreign fishing but asserted that 'the impeachment of our Prerogative Royall' had 'given occasion of over great encroachments upon our Regalities, or rather questioning of our Right'.<sup>30</sup> James' imperial prerogative was being advanced interconnectedly with the public good. From August forward annual licenses would have to be obtained from royal commissioners in London or Edinburgh with the charge proportionate to the vessel's tonnage.<sup>31</sup>

An alternative project vied with that for licensing in the two years preceding the proclamation. Enforced and administered, a simple tax upon a vessel's catch seemed to offer a substantial return. Richard Rainsford informed Caesar in 1609 that strangers took 700,000 lasts from British waters, the tenth part of which was worth £700,000.<sup>32</sup> The initiation of this project is uncertain, but a syndicate represented by Jo. Bowssar offered to collect this 'tributt' as early as April 1606.<sup>33</sup> The licensing scheme entered Caesar's propositions in September 1607 with a projected revenue of £12,000.<sup>34</sup> Shortly thereafter, Bowssar pressed his tax project on Caesar again with classic projecting language, speaking of an offer 'made of the same p[ro]iect to pattentees to be rented, good men undertakers, weare dealt w[i]th and did underwritt, so that the perice then rested uppon ye conditines of the graunt, w[hi]ch had bine resolved and clered (as I take yt) had not untimely presures diverted and dismantled the course there of ... when so ever the p[ro]iect shall come to any maturity and p[er]fection yo[u]r honor to have a C [100] pounds anually owt of the same, and his Ma[jes]tie a good

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<sup>28</sup>BL Lansdowne Ms 142, fol. 377r, 379r.

<sup>29</sup>Larkin and Hughes (ed.), *Proclamations: James I*, 217-219.

<sup>30</sup>Larkin and Hughes (ed.), *Proclamations: James I*, 218.

<sup>31</sup>Larkin and Hughes (ed.), *Proclamations: James I*, 218. It is noteworthy that this was a comprehensively British policy, encompassing Ireland and Scotland as well as England; further Scotland had for many years already enforced the policy of the 'assize-herring' on foreign fishing vessels. See Fulton, *Sovereignty*, 124.

<sup>32</sup>BL Lansdowne Ms 142, fol. 366r (8,400,000 barrels of fish).

<sup>33</sup>BL Lansdowne Ms 142, fol. 373r.

<sup>34</sup>BL Additional Ms 10038, fol. 309v (27 September, 1607).



rent'.<sup>35</sup> Bowssar went nowhere, but Rainsford's persistence and connections with Northampton offered better chances.<sup>36</sup> Rainsford proposed strangers be taxed upon the tenth fish or make a fixed payment for their catch.<sup>37</sup> Rainsford's syndicate offered to farm either charge for 20,000 marks the first seven years and £20,000 thereafter.<sup>38</sup> In consideration of his efforts, Rainsford asked for letters patent allocating 10% of the profits during the projects first **hundred** years.<sup>39</sup> This scheme was more popular with projectors than licensing because the scope for private gain was far greater. Unlike one-time payments and demonstrable proof of payment with a license, thousands of ships would be at the undertakers' mercy for payment of the tenth part of their catch or a fixed toll. The scope for abuse, against the fishermen and crown, was immense.

Rainsford's project was unoriginal. John Dee in 1577 argued the creation of a petty (auxiliary) royal navy on economic and military grounds.<sup>40</sup> He asserted Elizabeth's right to collect the tenth fish as a means to finance the fleet and for its own merits: 'Now, then, who can dout, (to begin withall) but that it is a most reasonable and freendly Request, of all these forreyn Fishermen, to require, (with all circumstances of Humanity, Courtesy, and Freendship, therin, and thereto vsed) The Tenth onely, of all their yeerly Fishings ... toward the charges of the sayd Pety-Nauy-Royall: That the Tenth, yeerly, of all Forreyn Fishings, within the Sea Limits to her Maiesties Royalty appropriat, is aboue an Hundred Thousand pownds *de Claro*.'<sup>41</sup> Whether Rainsford consulted Dee is uncertain, but he advanced another project in 1613 for setting 'on foot a navy royall' which shared many of Dee's arguments, while Rainsford's other projects employed identical precedents of sovereignty to Dee's.<sup>42</sup> If nothing else, Rainsford might have been tempted to assess himself with Dee's words: 'and so

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<sup>35</sup>BL Lansdowne Ms 142, fol. 373r (17 October, 1607).

<sup>36</sup>Peck, Northampton, 141.

<sup>37</sup>BL Lansdowne Ms 142, fol. 360r.

<sup>38</sup>BL Lansdowne Ms 142, fol. 360r.

<sup>39</sup>BL Lansdowne Ms 142, fol. 360r; Lansdowne Ms 142, fol. 367r-368v, 371r-372v; PRO SP 14/37/79, fol. 169r; SP 14/48/94, fol. 126r-126v; SP 14/48/95, fol. 127r-128v.

<sup>40</sup>Dee, Memorials, 3-12; William H. Sherman, John Dee: The Politics of Reading and Writing in the English Renaissance (Amherst, 1995), 148-171 discusses this tract.

<sup>41</sup>Dee, Memorials, 24, 26.

<sup>42</sup>BL Lansdowne Ms 165, fol. 243r; Lansdowne Ms 142, fol. 367r; also PRO SP 14/48/94, fol. 126r. Dee, Memorials, 54-64.



my labours (after a sort) vaynely employed.<sup>43</sup> Rainsford hoped to further his cause through Northampton, but he faired poorly because of Salisbury's opposition and the proclamation marked a defeat for his undertakings.<sup>44</sup>

Salisbury was concerned by foreign policy implications. The Dutch were bound to react badly to any project. Preoccupation with the Burgundian treaties and the precedents of other nations demonstrate a determination to present an irrefutable case of right.<sup>45</sup> Justification was not enough. A worthwhile--and profitable--level of compliance would also require an innocuous mechanism. Projectors, Rainsford-like, extracting a tax would prove anything but. Salisbury's letter to Charles Cornwallis in Madrid bears out his intentions: 'The Occasion of my Writeing at this Time, is ... to prepare your self with the best Argument and Reasons upon which this his Majestie's Resolution is grounded ... Only for the latter I think fitt to express thus much, that this Course of asking Licence, among other Propositions of several kindes of Restraintes which have been offered to his Majesty, hath been the mildest and the least subject to give Offence abroad.'<sup>46</sup> The licenses were offensive enough for the Dutch to complain mightily and August came and went without serious enforcement.<sup>47</sup> Formal Anglo-Dutch negotiations began in May 1610 to settle the dispute.<sup>48</sup> James was finally persuaded to suspend enforcement of the proclamation: 'his Ma[jes]tie notwithstandinge his right and title, for his great love to the low countries would forebeare to

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<sup>43</sup>Quoted in Fulton, *Sovereignty*, 105n.

<sup>44</sup>PRO SP 14/37/79, fol. 169r (17 November, 1608); SP 14/48/92, fol. 124r (8 October, 1609).

<sup>45</sup>BL Lansdowne Ms 142, fol. 362r-363v.

<sup>46</sup>Ralph Winwood, *Memorials of Affairs of State in the Reigns of Q. Elizabeth and K. James I* (3 volumes; London, 1725), III, 49 (8 June, 1609). A letter with much the same language had already been sent by Salisbury to George Carew in France. BL Harleian Ms 1579, fol. 61r-62v (16 May, 1609).

<sup>47</sup>Already in April 1608, the Dutch, in the person of Noel Caron, were contesting the assize-herring in Scottish waters, his chief argument being that it was an innovation, while James' Scottish lawyer disagreed and countered that not having been demanded for many years, if at all, did not invalidate the precedent for it. PRO SP 14/32/31, fol. 51r ([April?], 1608). William Browne in Flushing wrote to Viscount Lisle twice after the proclamation was published in the Low Countries. He was in no doubt about how serious a matter it was: 'This will give great discontent, having never heretofore been debarred from fishing in the open seas. If hereon these men grow discontented, his Majesty will have the more reason to seek to keep them in devotion by strengthening his cautions [cautionary towns].' *HMC De Lisle and Dudley*, IV, 128-129 (20 May, 1609). Yet it would appear the prospects were not wholly bleak: 'I assure you the King's proclamation about fishing gave matter of grave discourse and more discontent and murmuring than you can imagine; yet haply to acknowledge the King so far as to desire his leave with some little recognisance from the land in general I imagine will rather be yielded to than that they will protest against his Majesty's will and pleasure; but to come to any great imposition I think they will never accord but by force.' *HMC De Lisle and Dudley*, IV, 128-129 (1 June, 1609).

<sup>48</sup>PRO SP 14/47/111, fol. 259r-260v (August, 1608); Fulton, *Sovereignty*, 150-159.

p[ro]ceede accordinge to the p[ro]clamacon.<sup>49</sup> The matters of right and precedent were too contestable and neither side was likely to accept the other's interpretation. Effective compliance would require enforcement and James was unprepared to pay the necessary military and political costs in Europe. The licensing project was a determined and serious effort, but contained an element of bluff which the Dutch called.

The project made one significant reappearance. The projector in this instance was Queen Anna.<sup>50</sup> It hardly seems coincidental the project found new life in July 1614, after the publication of Gentleman's particularly nationalist tract, the failure of parliament, and a visit by Anna's brother, King Christian of Denmark, who was determined to 'see some thing done in it before his departure.'<sup>51</sup> The project admitted there had been many abortive schemes--and seems to have learned little from them.<sup>52</sup> Based on the proclamation, a grant was sought for the right to compound with and license 'theis strangers for an yearly renew to be paid unto her Ma[jes]tie'. The promised riches were posited to support Anna's estate fully and allow a fifth part to be given over to James. Ellesmere and Bacon examined precedents and the chancellor was given the task of drawing up the grant.<sup>53</sup> James' intention was to settle some further revenue on Anna, preserve his prerogative rights over British waters, and protect his subjects' economic interests.<sup>54</sup> His rights in the proclamation were formally demised to Anna and her appointees for 31 years with the fifth part as rent. Compositions would be based on a vessel's tonnage and the number of licenses were left up to Anna's discretion. James, the projector, had made an undertaker of his queen. Word of the proposal reached the Low Countries by September and, while irritating, did not provoke the same level of concern as in 1609: "I cannot perseave that from hence their is any purpose to sende deputies to agree for the beusynes with the Queene. I doe imagine that these peopell are farr

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<sup>49</sup>PRO SP 14/47/111, fol. 259r.

<sup>50</sup>J. D. Alsop, 'William Welwood, Anne of Denmark and the Sovereignty of the Sea', Scottish Historical Review 59 (1980), 171-174.

<sup>51</sup>HHL Ellesmere Ms 1213 (28 July, 1614).

<sup>52</sup>PRO SP 14/77/79, fol. 148r.

<sup>53</sup>HHL Ellesmere Ms 1213.

<sup>54</sup>HHL Ellesmere Ms 1478 (undated).

from coming to that course."<sup>55</sup> Vague rumblings continued intermittently for years, but the prospects for a Jacobean licensing were effectively over.<sup>56</sup>

### III

A week after the privy council decided to proceed with the proclamation, Richard Rainsford hoped to snatch something from defeat and proposed the creation of a society of fishermen exploiting British waters, to include ships of all nations plying the trade.<sup>57</sup> It was an alternative to his own tax scheme and projects just gaining momentum for the creation of a rival fishing fleet. It was a strange blend of both. The Dutch would join the society to avoid competition with a rival fleet. They 'cannott be ignorant,' chimed Rainsford, 'but wee may have Busses builded in denmarke and other places and p[ro]visions of other necessities are to be had from other countries', a statement reflecting the practical comfort the Dutch took from the logistical challenges awaiting the British.<sup>58</sup> The society would not pay the license or fish tax; instead they would collect amongst themselves the tenth or twentieth fish as an investment fund for the society itself, out of which they would pay James a reasonable rent.<sup>59</sup> (Gerard de Malynes forwarded the same project in February 1611, predicting that it would raise £40,000.<sup>60</sup>) The Dutch were unlikely to think the society a better alternative to their present hegemony and contesting any claims of British sovereignty. A similar project was revived later in the reign with the interesting provision that the society be created by act of parliament, the stature of which would hopefully induce compliance by English and Dutch alike.<sup>61</sup> Following defeat of the proclamation and fiscal crisis after the failure of the Great Contract (1610) James embraced a different project.

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<sup>55</sup>HMC De Lisle and Dudley, V, 243 (27 September, 1614; John Throckmorton reporting from Flushing to Viscount De'Lisle; transcribed by the editor).

<sup>56</sup>HMC Downshire, V, 206 (13 May, 1615; transcription). International distractions for the Low Countries in 1618 also gave the king pause to think of manipulating the situation to his advantage, a second proclamation 'never so opportune nowe when they fearest it most, & there state least settled in ill times', but again diplomatic considerations persuasively advised caution: 'What the king of Denmark the princes of the union... & the rest of the p[ro]testants thinke of my falling out w[i]th the low countries.' BL Lansdowne 142, fol. 383r (22 December, 1618).

<sup>57</sup>PRO SP 14/48/95, fol. 127r-127v (22 April, 1609).

<sup>58</sup>PRO SP 14/48/95, fol. 127v.

<sup>59</sup>PRO SP 14/48/95, fol. 127v-128r.

<sup>60</sup>BL Additional Ms 10038, fol. 36r (28 February, 1611).

<sup>61</sup>PRO SP 14/157/46, fol. 68r-69v, SP 14/157/47, fol. 69r-69v, SP 14/157/48, fol. 70r-70v (all [1623?]).

The principal argument posited for meeting Dutch supremacy was to do so on its own terms, with a full-fledged fleet of busses built and operated on the Dutch model.<sup>62</sup> Fishing and dyed cloth both fit into economic perspectives which centered on the vibrancy of commerce, in particular balance of trade, preservation of coin and bullion within the realm, employment, and retention of value-added work at home.<sup>63</sup> These points were repeatedly made in comparison of the English and Dutch:

what wee doe; what they doe:  
wee make clothes, they dresse itt.  
wee raise wooles, they dresse them.  
wee make tynne, they worke itt.  
wee have ffishing, they the fishe.  
wee have coales, they transporte them...  
in course of m[er]chandise exceed us & all ye world.<sup>64</sup>

As with fish, the massive Dutch trade in dyed cloth was based on processing an English base product then re-exporting value-added finished goods--to the English among others.<sup>65</sup> The projectors' objectives in both cases were the same: it was 'fitt that all yo[u]r native comodities should receave there full manewfactur by yo[u]r subiectes w[i]thin yo[u]r owne kingdomes', retaining the value-added exploitation of home resources and consequent economic benefits of employment, commercial expansion, and preservation of coin.<sup>66</sup>

The major Jacobean promoters of the busses projects were Keymer;<sup>67</sup> the triumvirate of Northampton, William Monson, and their 'pen', Tobias Gentleman;<sup>68</sup> the East India Company governor Thomas Smythe;<sup>69</sup> the writer of Britaines Busse, whom history records

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<sup>62</sup>Israel, Dutch Primacy, 23-24.

<sup>63</sup>BL Cotton Ms Titus B V, fol. 235r-236v; Supple, Commercial Crisis, 197-253.

<sup>64</sup>BL Additional Ms 22591, fol. 56v.

<sup>65</sup>Supple, Commercial Crisis, 33-51 and Prestwich, Cranfield, 164-177 for the dyed cloth project.

<sup>66</sup>BL Cotton Ms Titus B V, fol. 236v.

<sup>67</sup>The comprehensive maritime project Keymer presented to James is BL Cotton Ms Titus B V, fol. 231r-244v and BL Lansdowne Ms 169, fol. 137r-138av (1 June, 1613). Numerous copies, fragments, and later versions are extant including PRO SP 14/118/114, fol. 170r-176v; SP 14/118/115, fol. 177r-188v; SP 14/157/45, fol. 49r-69v. The most complete version actually appears to be one Keymer sent to James some fifteen years after the original, Lansdowne Ms 798, fol. 78r-104v; in which Keymer complains his others had been broken into fragments and not examined as a whole. This was reprinted as A Cleare and Evident Way For enriching the Nations of England and Ireland (London, 1650). The argument for Keymer being the author of Observations touching Trade and Commerce with the Hollanders (London, 1653), generally attributed to Walter Raleigh, is handled by Fulton, Sovereignty, 127n.

<sup>68</sup>For Monson (Admiral of the Narrow Seas), PRO SP 14/47/112-114, fol. 260r-267v; Peck, Northampton, 140-145.

<sup>69</sup>BL Additional Ms 10038, fol. 276r-279v; HMC Downshire, III, 412.



only as E. S;<sup>70</sup> and James himself.<sup>71</sup> Unlike the fishing tax, there is no doubt that these projectors consulted their Elizabethan counterpart, Robert Hitchcock, who both submitted a project for an English fishing fleet to the Earl of Leicester in 1574 and expanded it for publication as A Pollitique Platt in 1580.<sup>72</sup> The projects contained the same kinds of information: arguments for creating a fleet, its proposed size and cost (from 50 ships to as many for which undertakers could be found, priced as little as £200 and as much as £935 per vessel), costings to demonstrate profitability, a legion of commercial and economic benefits especially employment, and the state of the Dutch industry (valued in the millions of pounds).

Hitchcock's project had much to do with banishing the 'lothesome monster idelnesse (the mother and breeder of Vacaboundes)', for remedy of which God had bestowed upon England the great bounty of fish.<sup>73</sup> Four hundred ships directly employing 10,000 men, distributed into port towns all around the coasts of England would generate £200,000.<sup>74</sup> If the fleet was employed for multiple herring runs (as the Dutch were) and fished cod and ling besides, the revenues stood to double or triple.<sup>75</sup> The fleet would be an economic multiplier, generating enormous secondary and tertiary employment in provisioning and servicing the vessels—an outcome which often received even greater emphasis in Jacobean projects—at the same time it transformed the idle into trained mariners and drove commercial expansion.<sup>76</sup> 'Her Maiesties Customes and Subsidies [would be] greatly augmented.'<sup>77</sup> Finally Hitchcock proposed an elaborate, government-supervised redistribution of the trade's profits, a stunning bit of social engineering which never found light in the Jacobean projects.<sup>78</sup> Hitchcock also offered a more detailed mechanism for the creation of his fleet than his successors often

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<sup>70</sup>E. S., Britaines Busse (London, 1615).

<sup>71</sup>In various guises Gerard de Malynes, Walter Cope, and Nicholas Hales also contributed to the debates.

<sup>72</sup>Robert Hitchcock, A Pollitique Platt for the honour of the Prince, the greate profite of the publique state, reliefe of the poore, preservation of the riche, reformation of Roges and Idle persones, and the wealthe of thousandes that knowes not howe to live. 'Written for an Newyeres gift to Englande, and the inhabitantes thereof by Robert Hitchcock late of Cauersfeelde in the Countie of Buckyngham, Gentleman.' (London, 1580). The project of 1574 is BL Lansdowne Ms 14, fol. 70r-76v.

<sup>73</sup>Hitchcock, Pollitique Platt, A1r.

<sup>74</sup>The revenue is based on 50 lastes per ship of herring caught (20,000 in total) sold at £10 per laste. Hitchcock, Pollitique Platt, A2r-A3r.

<sup>75</sup>Hitchcock, Pollitique Platt, A3v.

<sup>76</sup>Hitchcock, Pollitique Platt, A1v.

<sup>77</sup>Hitchcock, Pollitique Platt, A1v.

<sup>78</sup>Hitchcock, Pollitique Platt, A1v-A2r.



provided. An initial investment of £80,000 (400 ships at £200 each) was to be obtained by borrowing £50 from forty men in each shire, repayable with interest in three years.<sup>79</sup> The 'preservation of the riche'--as in Hitchcock's title--from the dangers of idle masses were the best inducements for the wealthy to subscribe.<sup>80</sup>

John Keymer proved to be a projector adept at packaging his schemes, but never quite realized success commensurate with their grandeur or intellectual importance. His first project for Elizabeth hit upon particularly bad luck. Keymer proposed that the commercial and economic wealth derived from his proposed English monopoly on coals become the springboard for a foray into busses and fishing.<sup>81</sup> After the coal trade was firmly established, every two ships in that business 'might sett out one shipp to fishing', thereby bringing similar wealth and prosperity to England through that commodity. This interlocking program was sunk when Lord Treasurer Buckhurst imposed a charge on all seacoals and subsequently farmed its collection to a syndicate headed by Bevis Bulmer.<sup>82</sup> Keymer added a postscript decrying the farmers pretensions of serving the commonweal and his first rhetorical flourish of fishings offering more wealth than the Indies, but to no effect.<sup>83</sup> Busses, which Keymer admitted he had not fully examined when composing the coals project, became his new focus.<sup>84</sup> Like many things in Elizabeth's waning years, Keymer's 'Observations' seem to have been overshadowed by more pressing matters of governance.<sup>85</sup>

Keymer had written Elizabeth that if his coal project proved unappealing, 'have I 3 articles more of expedience in my Clossett of Remembrances w[hi]ch I have heere omitted (for being to[o] tedious)'.<sup>86</sup> James' accession gave many suitors and projects new hopes and Keymer re-tooled his work. Busses now became the crucial component of a wider economic blueprint to arrest the 'decline in shippinge, traffiq[ue] and mariners.'<sup>87</sup> Short-sided policies

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<sup>79</sup>Hitchcock, Pollitique Platt, A4r-A4v. The initial sum changed from the first project to the second: the first proposed ships from 100-200 tons at £400 each, but changed that to ships of 70 tons costing £200, effectively halving the start up cost for the fleet, no doubt improving the scheme's attractiveness--not sufficiently, however.

<sup>80</sup>Hitchcock, Pollitique Platt, E1r.

<sup>81</sup>CKS U269/1.OE1515 [Cranfield Ms 6896].

<sup>82</sup>Dietz, Public Finance, 69, 88.

<sup>83</sup>CKS U269/1.OE1515 [Cranfield Ms 6896].

<sup>84</sup>CKS U269/1.OE1515 [Cranfield Ms 6896].

<sup>85</sup>John Keymers Observation; Williams, Later Tudors, 364-388.

<sup>86</sup>CKS U269/1.OE1515 [Cranfield Ms 6896].

<sup>87</sup>BL Cotton Ms Titus B V, fol. 231r.

of merchants, 'undervallewinge of our coyne contrary to the rate of other Nations' and lost opportunities for value-added work were blamed. The commodities he was most concerned with in that regard were undressed cloth and fish, the twins of the age. Twenty busses would employ 8000 people, train more than 1000 mariners and give rise to a 'ffleete of fowre score saile of shipps ... wheare none weare before to take the wealth out of the sea to inrich and strengthen the land'.<sup>88</sup> Keymer's optimism was infectious: 'Then whate good 1000 or 2000 Busses will do for the makinge of yo[u]r kingdome powrefull by incresinge of ships and marriners & settinge yo[u]r people on worke for the inrichinge of yo[u]r coffers & bringinge in of all manner of plenty coyne and cheapnes to the land I leave to yo[u]r Ma[jes]ties consideracon.'<sup>89</sup> Keymer wished James to emulate (more successfully) his predecessor Henry VII who, 'desyerous to make his kingdomes powrefull and rich by increase of ships and mariners and imployment of his people, sent to his sea coastes townes movinge them to sett up the greate ffishinge w[i]th p[ro]mise to give them needfull privileges and to furnish them w[i]th lones of money if neede weare, the more to incourage them and yet his people weare slacke in that behalfe'.<sup>90</sup> The realization of Keymer's project was to be in the hands of private undertakers, merchants and investors supported by requisite priviledges.<sup>91</sup> To that end James might consider if 'it be not fitt that a state marchant be settled ... who may both dispose more proffitably of the riches thereof and incounter pollicie of stranger marchantes'.<sup>92</sup>

Tobias Gentleman described himself on the title page of Englands Way to Win Wealth as a 'Fisherman and Marriner'.<sup>93</sup> His project's four principal elements leave no doubt: argument for a fleet of busses;<sup>94</sup> proof in the thorough examination of the Dutch monopoly of the trade;<sup>95</sup> the pressing need for action as evidenced by the decayed state of coastal towns and pitiful condition of the fishing industry;<sup>96</sup> and 'true valuation, and whole charge, of

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<sup>88</sup>BL Cotton Ms Titus B V, fol. 234v.

<sup>89</sup>BL Cotton Ms Titus B V, fol. 234v-235r.

<sup>90</sup>BL Cotton Ms Titus B V, fol. 234r.

<sup>91</sup>BL Cotton Ms Titus B V, fol. 234r.

<sup>92</sup>BL Cotton Ms Titus B V, fol. 236v.

<sup>93</sup>Gentleman, Englands Way to Win Wealth, A1r (full title page).

<sup>94</sup>Gentleman, Englands Way to Win Wealth, 4-10 and 40-46

<sup>95</sup>Gentleman, Englands Way to Win Wealth 10-18 and 47-50.

<sup>96</sup>Gentleman, Englands Way to Win Wealth, 18-36.

Building, and Furnishing, to Sea, Busses'.<sup>97</sup> The Dutch had 'growne exceeding rich and strong ... [and] his Maiesties Seas is their chiefest, principall and onely rich Treasury'.<sup>98</sup> Competition using the Dutch model was the course and Gentleman turned his expertise to busses. Each would cost £500 to build and approximately £435 yearly to operate, but annual revenue would be £1000, ensuring even a small profit the first year and some £565 every year thereafter.<sup>99</sup> Gentleman based the figures on Dutch practice and his force of argument showed real flourish: 'The Hollanders do make the profite of their Busses so certaine that they do lay out their owne childrens mony ... in aduenturing in the Busses, and also ther is in Holland a Treasury for Orphants, opened and layd out in aduenturing in the Busses.'<sup>100</sup> Profits were certain and gains to the commonwealth through trade, preservation of bullion, training mariners, and employment indisputable.<sup>101</sup> Shrewd, wealthy men would rush to commission busses and make the fleet a reality. Gentleman almost certainly consulted Hitchcock, some of the language in both projects is remarkably alike while the author of Britaines Busse, published barely a year later, reported that Hitchcock--and Dee--were circulating at the time.<sup>102</sup>

The Trades Increase, published early in 1615, employed the advancement of fishing as a vehicle to attack the East India Company and commercial monopolization by chartered companies.<sup>103</sup> They stifled adventuring traders and their monopolistic practices suppressed faster growth in trade, precluded training mariners, brought superfluous commodities into the

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<sup>97</sup>Gentleman, Englands Way to Win Wealth, A1r (full title page) and 36-40.

<sup>98</sup>Gentleman, Englands Way to Win Wealth, 4-5.

<sup>99</sup>Gentleman, Englands Way to Win Wealth, 36-37.

<sup>100</sup>Gentleman, Englands Way to Win Wealth, 37.

<sup>101</sup>Gentleman, Englands Way to Win Wealth, 40.

<sup>102</sup>Compare Hitchcock, Pollitique Platt, with Gentleman, Englands Way to Win Wealth, 1-2; also Gentleman, Englands Way to Win Wealth, 7; Hitchcock, Pollitique Platt, title page. The author of Britaines Busse wrote: 'Foure Bookes I haue seene of this Subiect. One called the *Brittish Monarchy*, written ... 1576... The second intituled *Hitchcocks New-yeares gift*, printed about 30 yeares since. The third, named *Englands way to win wealth* ... published within these 2. yeares... The fourth styled the *Trades Increase*, now newly come abroad.' E. S. Britaines Busse, A2v. The *British Monarchy* was the common title for John Dee's General and Rare Memorials. Sherman, John Dee, 167-170 interestingly discusses the evidence of readership of the extant copies of Dee's Memorials by virtue of detailed and sophisticated marginalia. Sherman is not able to identify the specific readers, but it seems entirely possible that Gentleman or E. S. may have been the individual(s) in question.

<sup>103</sup>J. R., Trades Increase (London, 1615), 19, 51; W. R. Scott, The Constitution and Finance of English, Scottish, and Irish Joint-stock Companies (3 volumes; Cambridge, 1912), II, 101-102 for a slightly different perspective.

realm, and caused inflation.<sup>104</sup> By 'the report of many exercised in this mystery, and the relation of two especially ... Hitchockes and Gentleman', a fleet of adventuring busses offered the perfect counterpoint. The technical information was wholly derivative, but the author's arguments were cogent: in busses 'the charges are not great, the paines are not great, the time is not long, the hazard is nothing at all' and in fishing there 'is wealth enough to satisfie the most thirsty thereof, without much cost, without any spoyle ... out of our owne inexhaustable Sea'.<sup>105</sup> The king's customs revenues would increase by £50,000.<sup>106</sup> The preservation of coin in the realm was highlighted masterfully: with busses, England would cease to 'give away our coine to the stranger for our owne fish';<sup>107</sup> they would 'barter' fish in export markets, particularly Eastern Europe, for their 'returnes wee neede and vse' for which merchants currently 'alwaies paid ready gold'.<sup>108</sup> Busses were strongly advocated, which was appreciated by the author of Britaines Busse, but the attack on the East India Company framing it did not go unnoticed; the same tactic was to be adopted in response.

Britaines Busse is such a detailed budget for the operation of a vessel of 70 tons for its first two years that it makes Gentleman's appear superficial. After reading those other tracts, the author 'was much affected with the businesse' and 'out of a vehement desire to see this worke in hand, & the prosperity thereof, I enquired ... what Busses ... were in building on our Coasts'.<sup>109</sup> He was disappointed to find only two men had taken up Gentleman's call and concluded it was because 'none of the foure Treatises before mentioned, had set downe in very plaine particulars the exact charge of ... a busse' nor 'the gaine or profite' to be made from one.<sup>110</sup> From nets to gilling knives to wages, he costed everything and, much like Gentleman, found the ship would make £65 the first year and £600 every year thereafter.<sup>111</sup> He proposed that 100 busses be built at first and more added as feasible. The ascribed benefits of the project weighed heavily on employment and in responding to questions of

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<sup>104</sup>J. R., Trades Increase, 31-33 and 51-53.

<sup>105</sup>J. R., Trades Increase, 39-41.

<sup>106</sup>J. R., Trades Increase, 46.

<sup>107</sup>J. R., Trades Increase, 41.

<sup>108</sup>J. R., Trades Increase, 44.

<sup>109</sup>E. S. Britaines Busse, A2v.

<sup>110</sup>E. S. Britaines Busse, A3r.

<sup>111</sup>E. S. Britaines Busse, C3r-C4v.



feasibility borrowed much from Hitchcock's objections and answers.<sup>112</sup> Britaines Busse was largely derivative in structure, but an important contribution to a vibrant group of competing projects.

#### IV

The busses project is a story of two halves, divided by 1613. The licensing project was aborted, but there remained the prospect of economic wealth and customs revenue so tantalizingly presented by Keymer and Rainsford. Late in 1611 James' councillors examined a project to set up a fishing company with power to govern, rule, and order all maner of fishermen'.<sup>113</sup> Caesar recorded their resolution, 'that the p[ro]iect for busses is co[n]venient & necessary' and fit that 'the same bee carried by a ioint co[m]panie & not by a disiointed trade, that is every towne building and fisshing for it self'.<sup>114</sup> The project was approved, including various concessions and the company's structure, and appears to have been entrusted to a conciliar commission led by Caesar.<sup>115</sup> It was also decided to canvass the port cities for their opinions.<sup>116</sup> The response by the mayor and aldermen of Exeter indicates a genuine level of interaction between Westminster and localities in the project.<sup>117</sup> The mayor and aldermen conferenced with the city merchants and interested parties within twelve miles. They 'conceave[d] that the said proiect may be advantagious to such as (dealyng in that or such like ffishinges) are neerer costers to those seas' than Exeter, concluding it was more profitable for 'others of the marityme place not farre awaye from us beinge saylors, owners, and such like [who] ... will consider further of hitt'.<sup>118</sup> More important port cities appointed representatives to attend Caesar and the other commissioners.<sup>119</sup> The mayor of Sandwich

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<sup>112</sup>E. S. Britaines Busse, E2v-F1r.

<sup>113</sup>BL Additional Ms 10038, fol. 276r.

<sup>114</sup>BL Additional Ms 10038, fol. 284r (7 December, 1611).

<sup>115</sup>BL Additional Ms 10038, fol. 276r; Additional Ms 10038, fol. 287r (2 March, 1611[1612]).

<sup>116</sup>BL Additional Ms 10038, fol. 284v. Caesar's notes of the council resolutions for the project originally included the cities of 'Alborough', Yarmouth, 'Laustop', Ipswich, Harwich, Colchester, Lynn, Boston, Hull, and Newcastle, but this entire section was crossed off by. BL Additional Ms 10038, fol. 284v. However Caesar's brief notes of the project and trade in general listed the cities of Sandwich, Lynn, Dover, Yarmouth, Harwich, and Ipswich. Additional Ms 10038, fol. 286r. See William Ravenhill (ed.), Christopher Saxton's 16th Century Maps: The Counties of England and Wales (Shrewsbury, 1992), 30-33, 54-57, 72-73, 76-77, 80-81, and 84-85

<sup>117</sup>BL Additional Ms 10038, fol. 291r (13 January, 1611[1612]).

<sup>118</sup>BL Additional Ms 10038, fol. 291r. Meeting 'bitwixt them & the inhabitants of the townes' such as Lyme and Plymouth would likely prove more fruitful.' Additional Ms 10038, fol. 291r. They suggested also the towns of Sydmouth, Dartmouth, Milbrook, and 'Saltash'. Ravenhill, Saxton's Maps, 42-43.

<sup>119</sup>BL Additional Ms 10038, fol. 287r.



informed Caesar 'wee doe not only embrace and well approve of the course as a thinge muche tendinge to the benefitt of the weale publick, but will also be readie accordinge to o[u]r poore abillities to put the same in execucon when occasions shall fittly serve.'<sup>120</sup>

The letter from Exeter discloses the moving force behind this project. They were responding to the commission's letter and to the enclosed 'coppye of his Maiesties to you beinge dated the eight and twentyth daie of November last'.<sup>121</sup> Thomas Albery disclosed James' role in a letter to William Trumbull: 'This Thursday the lords sat at Whitehall about confirming the privilege for our fishing with busses whereto they were consigned by his Maj[es]tys letter directed to them dated Nov. 28.'<sup>122</sup> Albery informed Trumbull of James' continuing resolution 'the busses shall be built' in the fall.<sup>123</sup> James was almost certainly fortified by his receipt during the year of a discourse on trade with the Low Countries from Walter Cope (based on Keymer's notes). Beset by financial cares, James must have been attracted by the opening: 'What soever you abate or improve at home comes our of yo[u]r subiectes, and be yt never so iust is hardly drawn from them w[i]thout clamor or murmur, but what you catch or mine out of the seas ... magnifies the glorie and wisdom of the State and infinitely enriches yo[u]r kingdome and people who will as readie as able to requite this yo[u]r gracious care with full handes.'<sup>124</sup> James' concerns which bred the proclamation were transferred to the busses project. His 'idea of encouraging fishing in Scotland' was finding expression in England.<sup>125</sup> The undertaker for the busses company was revealed by Albery as Sir Thomas Smythe.<sup>126</sup> Smythe was the current chairman of the East India and Virginia companies and his hand is visible in the proposed organization of the busses company. It was to be a joint-stock company which mirrored their organizations.<sup>127</sup> Smythe's history of

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<sup>120</sup>BL Additional Ms 10038, fol. 287r.

<sup>121</sup>BL Additional Ms 10038, fol. 291r.

<sup>122</sup>HMC Downshire, III 332 (16 July, 1612).

<sup>123</sup>HMC Downshire, III, 412.

<sup>124</sup>PRO SP 14/71/89, fol. 164r (1612).

<sup>125</sup>Scott, Joint-stock Companies, I, 133.

<sup>126</sup>HMC Downshire, III, 412.

<sup>127</sup>BL Additional Ms 10038, fol. 276r-279v and 284r-284v; Scott, Joint-stock Companies, II, 92-93; Brenner, Merchants and Revolution, 21-22.

adventures with the Levant, Russia, and Virginia Companies also put the busses well within his orbit of interests while his standing with the crown was frequently high.<sup>128</sup>

Upon its constitution, the project passed to the subcommission for projects established in August 1612.<sup>129</sup> There it ran into trouble. Caesar and his colleagues were caught between opposing forces: James and the established merchant companies. The privileges desired by the busses company were the sticking point. While the subcommissioners asserted their independent concerns, the established companies almost certainly exerted pressure on them well before.<sup>130</sup> The word was out already in July that 'the privileges are very substantial'.<sup>131</sup> The fishing company was to have unrestricted access to port facilities, liberty to purchase land and erect fishing havens, and a monopoly on salt from seawater for the preservation of fish.<sup>132</sup> Worse, they would receive the monopoly provision of fish, both wholesale and retail, once they could fully serve the market.<sup>133</sup> Further, James would provide two guard ships at his cost to protect the fleet from the 'molestacons of the Hollanders'.<sup>134</sup> But it was other provisions which most provoked the established companies. There was the 'power for the triall of all causes that concerne buying, selling, contractes, quarrelling or any other thing that may be profitable or preiudicall to the bodie of this companie touching this trade of fishing', backed by their own court.<sup>135</sup> But the commercial dynamite was the complete latitude to import any commodity from countries where their fish was sold, regardless of 'anie privilege alreadie granted or hereafter to be granted to anie other companie or companyes whatsoever'.<sup>136</sup>

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<sup>128</sup>Scott, Joint-stock Companies, II, 57-60 and 91-92 and Brenner, Merchants and Revolution, 95-102. Smythe was among the commissioners appointed for the investigation of household, navy, and ordnance in 1618, while James's refused to condone the moves to oust him from the Virginia Company in 1620. Prestwich, Cranfield, 214-218 and 306-308.

<sup>129</sup>Below, 190-206.

<sup>130</sup>BL Cotton Ms Cleopatra F VI, fol. 76r (18 September, 1612).

<sup>131</sup>HMC Downshire, III, 332 (16 July, 1612).

<sup>132</sup>BL Additional Ms 10038, fol. 276v-277r.

<sup>133</sup>BL Additional Ms 10038, fol. 277r.

<sup>134</sup>BL Additional Ms 10038, fol. 277v-278r. Albery wrote Trumbull that this provision had been accepted by James. HMC Downshire, III, 332.

<sup>135</sup>BL Additional Ms 10038, fol. 276r.

<sup>136</sup>BL Additional Ms 10038, fol. 278r.

The answers of the established companies to the subcommissioners illustrate their hostility to these privileges.<sup>137</sup> The Levant, French, Muscovy (Russia), Turkish, and Eastland (Eastern Europe) companies, and the Merchant Adventures roundly condemned the privileges and demanded their charter rights be respected.<sup>138</sup> Thomas Smythe's old Russia company was the most critical, asserting the busses were a cloak for those who sought to capture their trade. Their already weak profits would be further eroded and the company would have to dissolve. Further, they were already venting as much fish as the eastern market could support, and Russia did not afford sufficient returnable trade goods even if the busses could sell their fish.<sup>139</sup> The Eastland company argued they had already reduced the number of cloths sold in their markets from 15,000 to 10,000 while the Merchant Adventurers flat-out refused to countenance any competition in their 'abode or p[re]cincts.'<sup>140</sup> The only concession they offered defeated the purpose of establishing a company: they would not allow 'any returnes to bee made of those of the co[m]pany of the busses being **not of their co[m]pany**.'<sup>141</sup> The merchants hoped to bring any busses enterprise within their own compass.

Against opposition from powerful established companies--though not the Virginia or East India companies helmed by Thomas Smythe--Caesar and his colleagues prevaricated. They expressed their hopes for the project, but concluded they were not to sanction the project--w[hi]ch wee conceave to bee rather a matter of estate, then matter tending to the K[ing]s profit--and felt that only consideration of the privileges was their proper remit.<sup>142</sup> They agreed 'that w[hi]ch must be undertaken by private purses needeth the comfort of the more privileges', but found the scale of demands to be the 'maine stopp and impediment'.<sup>143</sup> Finding no hope of reconciliation they left it to the council's discretion, which effectively left

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<sup>137</sup>BL Additional Ms 10038, fol. 280r-283v and 289r-290v

<sup>138</sup>BL Cotton Ms Cleopatra F VI, fol. 76r.

<sup>139</sup>BL Additional Ms 10038, fol. 280r (10 September, 1612). This concern was not a case of shouting in the dark. Precisely this eventuality was in mind among the adventurers in Cockayne's project and when the dyed cloth scheme failed, effectively 'the Cockayne group had taken over the white cloth trade, "wherein they shall reap profit for which they never sowed".' Prestwich, *Cranfield*, 168-170.

<sup>140</sup>BL Additional Ms 10038, fol. 289r (11 September, 1612).

<sup>141</sup>BL Additional Ms 10038, fol. 289r.

<sup>142</sup>BL Cotton Ms Cleopatra F VI, fol. 75v (18 September, 1612).

<sup>143</sup>BL Cotton Ms Cleopatra F VI, fol. 75v.

the onus for a decision on Northampton as head of the treasury commission.<sup>144</sup> The subcommissioners' evasion avoided defying James' favour and effectively killed the project in its present form. Yet this was not the end. Albery informed Trumbull six weeks later that it had 'been much hindered by the companies ... who have produced many blind allegation to hinder that excellent business. It had been this week effected, but for the prince's sickness'.<sup>145</sup> In November, James was still 'resolved the busses shall be built' and the company only waited for its charter to be signed.<sup>146</sup> James seemed willing to defy the protests of the companies, but the treasury commission and council were not.

The forces of merchant opposition and royal favour make sense of the second half of the busses story and explain the preceding tracts. Circumstances point to Keymer's project originally firing James' interest in busses and trade; it probably reached the king's hands between 1608 and 1610.<sup>147</sup> Smythe's company and the busses commission may have resulted from continued politicking by Keymer.<sup>148</sup> Copies among Cotton's and Caesar's papers point to the project circulating among policymakers during 1611-1612, certainly in 1613.<sup>149</sup> Busses were among 'p[ro]jects likely to prove well' in the treasury commission report of June 1613, while Northampton was forced to explain to an impatient James why no progress had been made on the project three weeks later.<sup>150</sup> Northampton is the key to understanding the transformation of the project that summer. James had seized upon the busses with the same resolution he was shortly to devote to Alderman Cockayne's dyed cloth project while Keymer's and others' works were stirring him toward both. Northampton was caught in the web of his master's obsession with an unworkable project.

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<sup>144</sup>BL Cotton Ms Cleopatra F VI, fol. 76r.

<sup>145</sup>HMC Downshire, III, 398 (6 November, 1612).

<sup>146</sup>HMC Downshire, III, 412 (Albery to Trumbull; 20 November, 1612).

<sup>147</sup>The later copy of his project includes a preface noting that he had first submitted it to James some 14 or 15 years earlier. Interest in fishing projects revived briefly during Cranfield's treasurership, late in 1622 and early in 1623. It seems probable Keymer presented his project to James again around this time which would date back his original presentation to 1608-1610. BL Lansdowne Ms 798, fol. 79r; CKS U269/1.OE1575 [Cranfield Ms 8939]; PRO SP 14/139/66, fol. 89r (8 March, 1623).

<sup>148</sup>Interestingly, the 1622 project among Cranfield's papers included Keymer's work with the organization plan and concessions for the company first examined by Caesar in 1611. CKS U269/1.OE1575 [8939].

<sup>149</sup>Cotton bound Keymer's project into his book of projects for Northampton about this time. Cotton Ms Titus B V, fol. 231r-244v. Caesar's copy was dated 1 June, 1613 by him; its address described it as a 'true copy... as it is delivered to ye Kinges Majties'. BL Lansdowne Ms 169, fol. 137r-138av.

<sup>150</sup>BL Lansdowne Ms 165, fol. 223r-227v; PRO SP 14/74/23, fol. 44r-44v (23 June, 1613).



Northampton signalled a change when he noted that 'the busses dependeth much upon the waies of raisinge stockes, of buildinge vesselles, but above all upon the consideration of contracts and treaties with forrain states in former times'.<sup>151</sup> James was told simply that the project depended upon the fine-points of the Burgundian treaties and if the Council 'should at this instant fall upon this busines we should not be able to performe the taske ... laid on us' for his other affairs.<sup>152</sup> The difference with the subcommissioners' report is vast; the chief impediments were now diplomatic causes (as with the proclamation), logistical difficulties, and overworked councillors. Tobias Gentleman's project is the answer to why merchant opposition had disappeared. His England's Way to Win Wealth was commissioned by William Monson and dedicated to Northampton.<sup>153</sup> Busses were a project Northampton and Monson were eager to further and together they devised a solution to the impasse of James' enthusiasm and merchant opposition, one which Gentleman penned.

England's Way to Win Wealth was a masterful account of the Dutch fishing supremacy, the practices of the trade, the economic loss to England, and the commercial viability of busses, but it was foremost a rallying cry, a call to busses: 'shall wee neglect so great blessings: O slothfull England and carelesse Countriemen, Looke but on these fellowes that wee call the plumpe Hollanders, behold their dilligence in fishing, and our owne carelesse negligence.... Wherefore, seeing we can excell all other Nations, wastfully, to spend mony, let Vs, in one thing, learne of other Nations, to get thousands out of his Maesties Sea, and to make a generall profite of the benefites that Almighty god doth yearly send vnto vs'.<sup>154</sup> A chartered company was not the solution, a nation of adventurers was: 'Wherefore, seeing the profite so plainly, and by the grace of God so certaine ... Let all Noble Worshipfull, and wealthy Subiects, put too their aduenturing and helping hands, for the speedy lanching, and floating forward of this great good Common-wealth businesse, for the strengthening of his Maesties Dominions'.<sup>155</sup> Gentleman answered two of Northampton's impediments. His call to wealthy subjects for 'helping hands' and business-like analysis of

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<sup>151</sup>BL Cotton Ms Cleopatra F VI, fol. 87v.

<sup>152</sup>PRO SP 14/74/23, fol. 44r-44v (4 July, 1613; Northampton to Lake).

<sup>153</sup>Peck, Northampton, 141.

<sup>154</sup>Gentleman, Englands Way to Win Wealth, 10, 44-45.

<sup>155</sup>Gentleman, Englands Way to Win Wealth, 40.



the busses' viability were emotional and rational appeals for 'raisinge stockes' and 'buildinge vesselles'. A single adventurer with the capital could build a bus and be guaranteed a profit: a chartered company with substantial priviledges was unnecessary. The solution may have been naive but James' enthusiasm was rewarded, the established company monopolies were intact, and the economic benefits beckoned. But Northampton's death, shortly after England's Way to Win Wealth was published, derailed the project.<sup>156</sup>

Britaines Busse in 1615 represented attempts to revive the project. The latter's author was particularly impressed with Gentleman's work.<sup>157</sup> His work, if somewhat derivative, was as serious as Gentleman's project. It had one crucial difference: it contained the reappearance of the project for a chartered company. The writer encouraged noblemen, gentry, and citizens to 'ioyne with Sir William Haruey, who is already entred the field alone' in building busses, but had no 'doubt but his Maiesty will bee pleased (at their humble suite) to encourage and incorporate them with priuileges, immunities, and authority' once they were active in the trade.<sup>158</sup> This seemed an opportunity to establish a chartered company by subterfuge, on the basis of an implied contract. If adventurers for this understanding were found wanting, the solution was for James to take the explicit course of incorporating 'some fit for this worke' into a joint-stock company with shares beginning at £5.<sup>159</sup> Once £70-80,000 was collected the officers of the company were to 'prouide an hundred Busses' and as 'more stocke shal come in, so also more Busses to be so prouided and added to those former'.<sup>160</sup>

Perhaps only a suspicious mind would see Thomas Smythe behind this book, but there are interesting pointers. The reference to The Trades Increase being 'newly come abroad' would date Britaines Busse to the early months of 1615.<sup>161</sup> The direct counterblast to The Trades Increase, The Defence of Trade, was already being planned by the East India

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<sup>156</sup>Peck, Northampton, 141.

<sup>157</sup>E. S. Britaines Busse, A2v-A3r.

<sup>158</sup>E. S. Britaines Busse, F1v.

<sup>159</sup>E. S. Britaines Busse, F1v.

<sup>160</sup>E. S. Britaines Busse, F1v, F2r.

<sup>161</sup>E. S. Britaines Busse, A2r.

Company in February of that year.<sup>162</sup> Britaines Busse would seem to be a backhanded retort. While acknowledging 'the Necessity, Faculty, Profit, and Vse of that Fishing trade' were especially highlighted by The Trades Increase (and Gentleman), the advocacy of a chartered company of busses put Britaines Busse in direct opposition to the anti-company stance. The Trades Increase was a Gentleman-like call to busses and the only privilege it sought from James was to forbid 'the sale and vttering of herring to his loyall subiects by any forrainer or stranger whatsoever'.<sup>163</sup> Further, Britain's Busse forwarded Smythe's company as the model, describing the division of stock and profits with busses 'as in the now East India company'—parroting the project of 1611-1612.<sup>164</sup> The City community, 'euer forward for the kingdomes good', was called on to 'prouide and furnish the first C[100] of Busses' and 'giue light to the rest of the land to follow by them.'<sup>165</sup> This appeal resembles Smythe's work in the London merchant community financing the Virginia Company's projects from 1609-1613.<sup>166</sup> Perhaps most telling was the author's conclusion: 'I thinke the East India company will liberally further this worke: for that thereby some of their greatest wants are like to be supplied.'<sup>167</sup> The 'individual' approach was damned with faint praise too when it was revealed only two adventurers were pursuing it, while there was an element of Shakespearean protest in the author claiming to be much 'affected with the businesse' before The Trades Increase 'came to light'.<sup>168</sup>

The re-emergence of the company project at this time was spurred by more than a philosophical debate on trade policy. In December 1614 the Merchant Adventurers had their charter suspended by royal proclamation in favour of Cockayne's new company for the export of dyed and dressed cloth.<sup>169</sup> The 'twin' project to the busses had brought down the most powerful of the established companies and it must have given renewed hope for a company

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<sup>162</sup>Dudley Digges, The Defence of Trade. In a Letter to Sir Thomas Smith Knight, Gouvernour of the East-India Companie (London, 1615) [STC 6845]. The book is a precise refutation of the specific charges levelled against the East India Company in The Trades Increase. For the dating see Scott, Joint-stock Companies, II, 102.

<sup>163</sup>J. R., Trades Increase, 43.

<sup>164</sup>E. S. Britaines Busse, F2r.

<sup>165</sup>E. S. Britaines Busse, F2v.

<sup>166</sup>Scott, Joint-stock Companies, II, 250-254.

<sup>167</sup>E. S. Britaines Busse, F2v.

<sup>168</sup>E. S. Britaines Busse, A2v.

<sup>169</sup>Acts 1613-1614, 583-587 and Larkin and Hughes (ed.), Proclamations: James I, 327-329.

of busses. Was Britaines Busse the attempt of Thomas Smythe to give new life to that project? If so, he succeeded to a point. James' ministers took up the matter in council before the summer progress of 1615 and, after much discussion, appointed a time in the next term for further deliberation.<sup>170</sup> Ellesmere added busses to his preferred projects in his fiscal reform plans which he presented in council that September.<sup>171</sup> He too had copies of Keymer's projects and also possessed a memorandum challenging The Trades Increase which may have been circulated in advance of The Defence of Trade.<sup>172</sup> Thomas Lake pushed the project in September as a commonwealth measure which would bring much credit upon James in any future parliament.<sup>173</sup> Though approved and assigned to a conciliar committee for preparation, it seems to have died of inaction there.<sup>174</sup>

If Cockayne's victory offered hope of similar success by a company of busses, the quick and ominous signs of his large promises and little performance preoccupied James and his councillors.<sup>175</sup> These developments must have cast a similar adventure in a bad light. The spectre of Dutch primacy probably deterred many of those wealthy adventurers the project sought to attract. As lord treasurer, Cranfield looked again at fishing and Keymer's writings and a group of undertakers led by George Carew (also William Monson and Lord Hervy) held talks with various London merchants in 1623 on a busses project.<sup>176</sup> On behalf of the council, they called together the major City merchants, but only William Cockayne and Sheriff Hanford appeared.<sup>177</sup> 'They seemed to like admirably well of the Proiecte,' Carew wrote Secretary Calvert, 'acknowledginge it to be the best worke for the publique, and the most profitable that the witt of man could Imagine, but they despayred that ever so greate a

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<sup>170</sup>BL Harleian Ms 4289, fol. 226r.

<sup>171</sup>HHL Ellesmere Ms 2610/7 [Ellesmere's pagination] (18 September, 1615). I am disinclined to accept the statement by J. D. Alsop that this point at the meeting concerned 'the Crown's interest in creating a licensing system as a revenue supplement for Queen Anne's expenses'. Alsop, 'Fiscal Reform', 210n.94. The dominance of economic thinking such as Keymer's (focusing on value-added products and balance of trade) when added to the commercial concerns and preoccupation of individuals like Cranfield, Ellesmere, Lake, Coke, and James make Alsop's contention dubious.

<sup>172</sup>HHL Ellesmere Ms 2460-2462 and 2467 respectively.

<sup>173</sup>BL Harleian Ms 4289, fol. 226r. It is doubtful that Lake would have described a licensing system to pay Anna's expenses in quite the same way.

<sup>174</sup>HHL Ellesmere Ms 2614.

<sup>175</sup>Prestwich, Cranfield, 169-177.

<sup>176</sup>PRO SP 14/139/66, fol. 89r; CKS U269/1.OE1575 [Cranfield Ms 8939], U269/1.OE1515 [Cranfield Ms 6896].

<sup>177</sup>PRO SP 14/139/66, fol. 89r.

some of money (to accomlishe the same as the Proiect required) could be rayised.' Carew countered that they build 6 busses and 4 doggerboats, the success of which would serve as a model to draw in the reluctant. Almost a decade after Gentleman and Britaines Busse, it was still impossible to stir enough enthusiasm for merchants to venture their capital on busses. Only the crown possessed the ability to mobilize the resources needed to get the busses project going, but it proved fiscally incapable and unwilling.

V

Plagued by commensurate fiscal necessity, it is no surprise that Jacobean projects were revived in the reign of Charles I. The most successful Caroline fishing project was the plan to license and tax Dutch fishing vessels. Attorney General Heath's projects of 1625-1626 included its revival, but it bore no fruit until the next decade.<sup>178</sup> In 1636, Lord Admiral Northumberland sent the ship-money fleet after the Dutch and licensed 150 busses in August at a cost of 'a tenth of their catch.'<sup>179</sup> However, the effort dissipated by 1637: 'What compromised this policy was not the inadequacy of the fleet but the change in diplomatic climate. With England entering into closer negotiations with France for an alliance against the Habsburgs, it was not easy to perpetrate aggression against French allies--the Dutch.... The fleet, the secretary [Windebank] told Hopton simply ceased to obstruct Dutch fishing.'<sup>180</sup> Unlike his father, Charles had the coercive means to enforce compliance with licensing, but, like James, the project's ultimate effectiveness was undermined by diplomatic circumstances. The grandest Jacobean revival was Charles' creation in 1632 of the Society of the Fishery of Great Britain and Ireland.<sup>181</sup> Two old voices found Caroline chords: William Monson and the author of Britaines Busse, republished in 1630 as England's Royal Fishing Revived.<sup>182</sup> The project had the direct support of Secretary John Coke and, critically, Charles himself.<sup>183</sup> As with previous ventures however, undertakers were hard to come by and capital low.<sup>184</sup> The joint-stock company struggled for a decade with consistent losses before collapsing in

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<sup>178</sup>PRO SP 16/44/1, fol. 1r.

<sup>179</sup>Sharpe, Personal Rule, 597.

<sup>180</sup>Sharpe, Personal Rule, 597.

<sup>181</sup>Sharpe, Personal Rule, 250-252; Lee, Road to Revolution, 102-105.

<sup>182</sup>Sharpe, Personal Rule, 250; England's Royal Fishing Revived is STC 21487.

<sup>183</sup>Sharpe, Personal Rule, 250.

<sup>184</sup>Sharpe, Personal Rule, 251.



1640, largely a consequence of the Scots war.<sup>185</sup> Of the project, Kevin Sharpe has written: "The Society of Fisheries of Great Britain bears witness to the near insurmountable obstacles to the promotion of grand schemes for the improvement of trade. But its history is also evidence of the king's personal attention to the promotion of a project "which tends so much to the public good".<sup>186</sup> The lesson is that it was Charles' direct involvement which allowed this project to find effect--if not success--where its earlier counterparts failed. Sharpe is ambivalent whether it was solely a scheme 'for the improvement of trade' and not also a revenue project. If its Elizabethan and Jacobean predecessors are anything to judge by, there can be absolutely no doubt of its fiscal pedigree.

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<sup>185</sup>Interestingly, the company may have folded just as it was beginning to turn a profit with herring. Sharpe, Personal Rule, 252.

<sup>186</sup> Sharpe, Personal Rule, 252.

## CHAPTER 4

# The Patronage Culture and the Corruption of Projects

### I

The parliaments of 1621 and 1624 rebuked two decades of fiscal policy.<sup>1</sup> At the 'humble suit' of Lords and Commons, James assented to a statute against 'all monopolies and all commissions, grants, licenses, charters, and letters patent... of or for the sole buying, selling, making, working, or using of anything within this realm or the dominion of Wales'.<sup>2</sup> Further, 'all proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things whatsoever any way tending to the instituting, erecting, strengthening, furthering or countenancing of the same [patents] ... are altogether contrary to the laws of this realm, and so are and shall be utterly void and of none effect'.<sup>3</sup> The real battle over projects and patents took place in 1621. It was then that Edward Coke fashioned the monopolies bill which received the royal assent three years later. The law censured projects, the privatization of justice, and the king's prerogatives turned to private gain. It was the decisive moment in the history of Jacobean projects, one which reflected their pervasive unpopularity, a hostility often rooted more in the actions of projectors and undertakers operating within the patronage culture than the schemes themselves. This chapter will examine the seed-bed of hostility toward projects and projectors in popular culture, print, and among James' ministers. Further analysis will argue that, while these attitudes were important, it was the thrusting expansion of projects between 1618-1620, not a little thanks to Francis Bacon, which made public hostility inevitable once parliament was summoned in 1621.

### II

Projectors seemed to occupy a place in the Jacobean hierarchy of knaves somewhere just above papists. Not every projector plotted and practised to engross profits and enterprise

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<sup>1</sup>Russell, *Parliaments*, 84-203; Cogswell, *Blessed Revolution*; Elizabeth Read Foster, 'The Procedure of the House of Commons against Patents and Monopolies, 1621-1624' in William Appleton Aiken and Basil Duke Henning, *Conflict in Stuart England: Essays in honour of Wallace Notestein* (London, 1960), 57-85.

<sup>2</sup>Reprinted in William Hyde Price, *The English Patents of Monopoly* (Cambridge, MA, 1906), 135.

<sup>3</sup>Price, *Monopoly*, 135-136.

to their sole benefit, but clever tricksters they were all the same. Ever one to view society with a keen, cynical eye, it is surprising Ben Jonson waited nearly a decade from his great success with Volpone, or the Fox to turn his satirical talents to projectors in The Devil is an Ass.<sup>4</sup> The rollicking image of Merecraft, 'the wit, the brain, the great projector' in Jonson's later work is indelible: the one who 'projects Ways to enrich men, or to make 'em great, By suits, by marriages, by undertakings'.<sup>5</sup> Yet Jonson first visited Merecraft's kind in Volpone. There Jonson fashioned Sir Politic Would-be--'would-be crafty and skilled at intrigue and negotiation (like the Venetians).'<sup>6</sup> Sir Politic, the parroting English knight in Venice, has been suggested as a parody of ambassador Henry Wotton or Anthony Sherley, both men who sought to procure favour in Venice with their projects and inventions.<sup>7</sup> Sir Politic first instructs his satirical foil Peregrine on the art of politics: dressing in grave and serious clothes; refusal to tell secrets, 'scarce A fable but with caution', and never a truth to strangers; 'for your religion, profess none, But wonder at the diversity of all'; and, particularly in Venice, master the best culinary manners.<sup>8</sup> 'Nick Machiavel and Monsieur Bodin both Were of this mind', puffs Sir Politic knowingly. As one would expect from a master, Sir Politic's journal includes notes of 'discourse With a Dutch merchant 'bout *ragion*' *del stato*' in the course of buying toothpicks and urinating at St. Marks.<sup>9</sup> 'Faith, these are politic notes!' exclaims Peregrine.

In this political environment Sir Politic longs for a man he can trust, one whom he can make rich and forbid to think.<sup>10</sup> 'As how?' asks Peregrine and Politic assumes the mantle of the projector.<sup>11</sup> Politic's first project is to take the pre-emption of red herring brought to Venice through his undertaker in the Netherlands, a cheesemonger. 'But this is now If my

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<sup>4</sup>Volpone was conceived and written between January and March 1606 and first performed at the Globe by the King's Men before the last week of March 1606. Ben Jonson, Volpone or, the Fox, ed. R. B. Parker (Manchester, 1983), 8-9. Jonson wrote The Devil is an Ass sometime in 1616 and it was probably acted by the King's Men at Blackfriars in November or December that year. Jonson, Devil, ed. Happe, 21-22.

<sup>5</sup>Jonson, Devil, ed. Happe, 90.

<sup>6</sup>Jonson, Volpone, ed. Parker, 87n.

<sup>7</sup>Jonson, Volpone, ed. Parker, 24.

<sup>8</sup>Jonson, Volpone, ed. Parker, 221-223.

<sup>9</sup>Jonson, Volpone, ed. Parker, 230.

<sup>10</sup>Jonson, Volpone, ed. Parker, 223-228.

<sup>11</sup>'With certain projects that I have'. Jonson, Volpone, ed. Parker, 224.

main project fail', Politic confides, 'which I mean, in hope of pension, to propound To the Great Council, then unto the Forty, So to the Ten ... [by] one that, though his place b'obscure, Yet he can sway and they will hear him.' Peregrine is dismayed to discover Politic's court contact is a 'common seargent', but he is pressed to believe that such men put the words in the mouths of the Great Council. Politic reveals his remaining projects. The sale of pocket tinder-boxes would be regulated by his patent--might not the disaffected otherwise enter the Arsenal and fire the galleys there? With 30 livres (£1) of onions:

I bring in your ship 'twixt two brick walls--  
But those the state shall venture; on the one  
I strain me a fair tarpaulin, and in that  
I stick my onions, cut in halves; the other  
Is full of loopholes, out at which I thrust  
The noses of bellows...  
Now, sir, your onion, which doth naturally  
Attract th'infection, and your bellows blowing  
The air upon him, will show instantly,  
By his changed colour, if they be contagion;  
Or else remain as fair as at the first.<sup>12</sup>

To work his plague-testing bellows, Politic would employ his waterworks, a perpetual motion invention 'Which is the easiest matter of a hundred'.

Whether the audiences attending Volpone reacted to Sir Politic's projects with simple amusement or found them truthfully satirical will never be known. What would Julius Caesar have made of them had he read the quarto which appeared in February 1607?<sup>13</sup> Trafficking in red herring?; Caesar probably had his fill of fishing projects by the time he left the Exchequer in 1614, fully able to avow that those herrings were part of the maritime bounty taken from James' seas by the Dutch. Monopolies were hardly unknown to him. The attractions at Eltham included a perpetual motion machine while projects for waterworks began finding homes in Caesar's library a year after Volpone was published.<sup>14</sup> In 1613, waterworks remained among those projects upon which the treasury commissioners looked

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<sup>12</sup>Jonson, Volpone, ed. Parker, 228.

<sup>13</sup>Jonson, Volpone, ed. Parker, 2.

<sup>14</sup>Jonson, Volpone, ed. Parker, 228n; BL Additional Ms 10038, fol. 78r-81v (8 April and 8 August) and 222r-223v (9 December, 1612);



favourably.<sup>15</sup> Finally, Caesar, the former Admiralty judge, might well have appreciated the time and cost to foreign merchants of having their ships quarantined and the 'purifying [of their cargoes]... with vinegar and spices' when trading with Venice.<sup>16</sup> Literary critics might regard Sir Politic and his 'fantastic propositions' as comic creations, but his projects would have occasioned all too knowing laughter from men like Caesar, Salisbury, or the project-watcher John Chamberlain.<sup>17</sup>

When Jonson, ironically the recent recipient of a 100 mark pension from James, turned his talents to the vice and decadence of London in The Devil is an Ass, he took aim at one of its most potent symbols of greed and corruption.<sup>18</sup> There is little comparison between Sir Politic and the riotous plotting of Merecraft, dealing projects like cards: aqua vitae, dog-skin leather, bottled ale, wine from raisins, the new office of master of dependances, cosmetics, and the uproarious sealing of toothpicks.<sup>19</sup> Merecraft's entry is a projector's tour de force:

Sir, money's a whore, a bawd, a drudge,  
Fit to run out on errands: let her go.  
*Via pecunia!* When she's run and gone,  
And fled and dead, then will I fetch her again  
With aqua-vitae out of an old hogshead!  
I'll never want her! Coin her out of cobwebs,  
Dust, but I'll have her! Raise wool upon eggshells,  
Sir, and make grass grow out o'marrow bones,  
To make her come.<sup>20</sup>

But where Sir Politic is the naive, would-be practitioner of politics and purveyor of projects, Merecraft and his circle are a projector and clientage with harder edges. These are characters whose satirical value might well depend more upon the quality of performances than the nature of their lines, dialogue which sometimes contains too much truth for

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<sup>15</sup>BL Lansdowne Ms 165, fol. 225v (1 June, 1613).

<sup>16</sup>Jonson, Volpone, ed. Parker, 227n.

<sup>17</sup>Jonson, Devil, ed. Happe, 46n40.

<sup>18</sup>Jonson, Devil, ed. Happe, 2 and 11-12; Leah Marcus, The Politics of Mirth: Jonson, Herrick, Milton, Marvel, and the Defense of Old Holiday Pastimes (Chicago, 1986), 85-105.

<sup>19</sup>Jonson, Devil, ed. Happe, 92-99, 139-140,

<sup>20</sup>Jonson, Devil, ed. Happe, 92.

humour.<sup>21</sup> The bluff projector's greed and manipulation was applied to one of the most grandiose projects, draining the fenlands in Anglia (with inventions akin to waterworks):

I'll drive his patent for him.  
We'll take in cittyzens, commoners, and aldermen,  
To bear the charge, and blow 'em off again,  
Like so many dead flies, when 'tis carried.  
The thing is for recovery of drowned land,  
Whereof the Crown's to have his moiety,  
If it be owner; else, the Crown and owners  
To share that moiety: and the recoverers  
To'enjoy the tother moiety, for their charge ...  
Yes, which will arise  
To eighteen millions, seven the first yeere:  
I have computed all and made my survey<sup>22</sup>

Projectors' works remained just so much scheming unless they found favour at court and Merecraft's cruel wife, Lady Tailbush is Jonson's vehicle for criticizing the court intrigues behind these suits. She is Merecraft's match, scolding him for delays:

A pox upo' referring to commissioners,  
I'd rather hear that it were past the seals:  
Your courtiers move so snailike i' your business.  
Would I had not begun wi' you.<sup>23</sup>

Merecraft assures Tailbush their suit has been referred, but only when the wife of Merecraft's counsel, Sir Paul Eitherside—frequently interpreted as a guise for Edward Coke—arrives from court with confirmation does Tailbush rejoice.<sup>24</sup> And a vicious greedy rant it is:

Yes, faith, there's life in't now: it is referred.  
If we once see it under the seals, wench, then  
Have with 'em for the great caroché, six horses,  
And the two coachmen, with my Ambler bare,  
And my three women: we will live, i' faith,  
The examples o' the town, and govern it.

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<sup>21</sup>The play was not well received by James on a number of grounds including reference to the Overbury scandal and projects. Jonson, *Devil*, ed. Happe, 11-16; Marcus, *Mirth*, 99-105.

<sup>22</sup>Jonson, *Devil*, ed. Happe, 94-95. BL Additional Ms 10038, fol. 222r-223v (9 December, 1612), 224r-225v (16 July, 1619), 226r-227v (12 August, 1613), and 228r-229v; also Richard Hoyle, 'Disafforestation and drainage: the Crown as entrepreneur?', Hoyle, *Estates 1558-1640*, 376-388.

<sup>23</sup>Jonson, *Devil*, ed. Happe, 160.

<sup>24</sup>Jonson, *Devil*, ed. Happe, 13 and 163; also Marcus, *Politics of Mirth*, 91-93 for her interpretation of Eitherside.

I'll lead the fashion still....

I'll every day

Bring up some new device. Thou and I Eitherside,

Will first be in it, I will give it thee;

And they shall follow us. Thou shalt, I swear

Wear every month a new gown out of it.<sup>25</sup>

While Jonson's epilogue to the play's denouement asserts "Thus the projector here is overthrown", Leah Marcus writes that 'So far as we can tell, Merecraft, Everill, and Ingine are left free at play's end to pick up the broken pieces of their plots and go to work on a fresh set of gullible squires'.<sup>26</sup>

This is dramatically displeasing, but it may be Jonson's sharpest commentary on the reality of projectors. Despite failures or deceits, the Jacobean Merecrafts, Thomas Shirley, Giles Mompesson, Arthur Ingram, William Cockayne, and their colleagues, kept on with their designs and never seemed to be brought to account. The character of Eitherside, lawyer and justice, must represent one key to this phenomena, 'allied for his own gain with City devils like Merecraft and Guilthead [a Jacobean 'Goldfinger']; his eagerness to pervert the workings of the law result in part from this shady partnership.'<sup>27</sup> This 'shady partnership' of law and projects would become the cause célèbre in the parliament of 1621. The law officers--'referees'--responsible for certifying the legality and advisability of projects were investigated with severity and Lord Chancellor Bacon was impeached for his complicity. Ironically it was Edward Coke--Jonson's Eitherside?--who led the charge against projectors.

Jonson's use of the Fenlands pointed directly at the other pivot: 'James himself was an Eitherside, drawn into a wide variety of schemes by his pressing need for funds.... Simply by tying the City devil Merecraft to the "Crown" in connections with shady schemes which resembled actual contemporary projects, Jonson echoes Dekker and other critics of the king's financial dealings.'<sup>28</sup> This judgment is astute and Jonson may well have meant James to understand he 'alone is capable of exorcising the projectors of London [and its other vices]

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<sup>25</sup>Jonson, *Devil*, ed. Happe, 163-164.

<sup>26</sup>Jonson, *Devil*, ed. Happe, 223.

<sup>27</sup>Marcus, *Politics of Mirth*, 92.

<sup>28</sup>Marcus, *Politics of Mirth*, 100-101.

and completing the action ... so that genuine justice prevails.<sup>29</sup> Yet projectors' wits were not easily countered as Merecraft proclaims in Jonson's concluding scene, enjoining his conspirator Everill to 'be confident, 'Tis no hard thing t'outdoe the Devil in: A boy o' thirteen year old made him an ass But t'other day.'<sup>30</sup>

Ben Jonson sought to counsel James against the vices which inhabited the political and social center of his kingdom. Thomas Scott addressed himself to the judges at the summer assizes in a sermon he hoped would reverberate throughout the realm. He might 'propound some admirable proiect, how to raise great summes of mony, filling the Exchequer, and those mountaines aloft, without drayning the Country bogges below, I should be welcome to Court, and my message and person intertaind with fauour.'<sup>31</sup> But Scott had something very different to offer than Merecraft: 'Iustice exalteth a Nation. Here is a Proiect to make you rich.'<sup>32</sup> The conjunctions of justice-honour and sin-shame were the marks of a godly and virtuous commonwealth, but had not Jacobean England married justice with shame and sin to honour?<sup>33</sup> Scott's was a project 'more profitable, more gainefull, more necessarie; a warre more safe, more glorious, more honorable' than any fevered device to fill the Exchequer.<sup>34</sup> Each subject must judge theirs and the realm's virtue and by 'execution of iustice vpon himselfe, he may helpe forward to aduance the glorify of a State. But if (being no public person) hee cannot by Iustice exalt a Nation, yet by abstaining from sinne, hee may bee one of the ten to preserue a people from shame'.<sup>35</sup>

Not unexpectedly in a sermon to the assize justices, Scott tailored his message to judges, plaintiffs, defendants, and witnesses. Judges were pressed to virtuous service: 'Your good words doe well, your good workes, and good examples doe better.... see, examine, search out truth and falshood, vice and vertue, right and wrong; for therein consisteth the

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<sup>29</sup>Marcus, *Politics of Mirth*, 94.

<sup>30</sup>Jonson, *Devil*, ed. Happe, 206.

<sup>31</sup>Thomas Scott, *The Proiecter* (London, 1623) [STC 22081], 18.

<sup>32</sup>Scott, *Proiecter*, 19.

<sup>33</sup>Scott, *Proiecter*, 2-17 and 32-35.

<sup>34</sup>Scott, *Proiecter*, 18.

<sup>35</sup>The reference is to Lot, who would have preserved Sodom 'if there could haue beene found nine more iust like himselfe in that Citie.' Scott, *Proiecter*, 29.



glory of a Magistrate; the aduantage of place giues you meanes to do it'.<sup>36</sup> Judges must never forget that 'the shame of euill gouvernement befalls the Gouvernours.' Plaintiffs and defendants should by their own virtue desist from being 'wranglers and malicious persons, who seeke and hunt after occasions of suite and contention' and be restrained from such behaviour by severe public censure. The burden of forthright honesty rested most heavily upon witnesses whose deceits were offences against their consciences, the innocent, the judges, and god.<sup>37</sup> By this project, true justice would be restored and the 'decayes of the Church and State both in Honour and Revenue' reformed.<sup>38</sup>

Scott's discussion largely took place on a philosophical level, but he lightly spiced it with real-world examples and the language of projectors. JP's were encouraged to emulate their higher judicial brethren in 'this large Patent of Iustice'.<sup>39</sup> If any project entered popular culture it was Giles Mompesson's notorious alehouse patent and Scott wielded it as exemplary condemnation of projectors, their perversion of the course of justice, and damage to society. The project of justice would exalt the nation and recreate a time when 'euery man dares buy and sell, without feare of cousening, dares flie to the Courts of Conscience without feare of vndoing; dares plant, and plow, and sow, and reape, and grow honestly rich, and be knowne to be so, without feare of Empson and Dudley, or the like'.<sup>40</sup> How could the English people feel so little shame for ignoring justice and virtue, 'wee that liue in the cleare light of the Gospell?'<sup>41</sup> Scott faced the pejorative projector with a mirror and, in so doing, confronted him with his twin in service to the commonwealth, furthering the ideals of justice and morality.

Projects were meant to pair private gain and public good for mutual benefit, but it was often a tense or incompatible partnership in practice.<sup>42</sup> This problem preoccupied James'

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<sup>36</sup>Scott, *Projector*, 19-20.

<sup>37</sup>Scott, *Projector*, 25-27.

<sup>38</sup>Scott, *Projector*, title page.

<sup>39</sup>Scott, *Projector*, 21.

<sup>40</sup>Scott, *Projector*, 11.

<sup>41</sup>Scott, *Projector*, 34-35.

<sup>42</sup>Peck, *Court Patronage*, 136-151; Thirsk, *Policy and Projects*, 51-105.

ministers and the project for copper base money is a case in point.<sup>43</sup> Salisbury, Caesar and Bacon evaluated its fiscal and legal aspects in August 1608. Initially Salisbury wrote Caesar, 'The more I look into our mony Proiect ... the worse I like it, & therefore we must try some other means or ells it will goe hard w[i]th us.'<sup>44</sup> Further examination only intensified Salisbury's dislike, believing 'that nothing but inevitable necessitie can speak any word for it.'<sup>45</sup> The projector was taken to task for setting down 'many weake and false grownds, and the same answered againe by the opposer w[i]th many weake and absurd reasons.' But it was clear the suitor had James' ear and Salisbury could not dismiss the project out of hand while attending the king on progress. Rather, deliberate deception was to be employed to subvert it: 'seeing the examples round about us censure not this cause negatively, but raise great benefitt by it.' Salisbury returned the project for Bacon's perusal, 'to handle it in his owne cogitation, and though it never come to execution, yett to give us his opinion (when wee shall meett) eyther uppon this as it is or as he could wishe it'. 'In the meane tyme', Salisbury concluded, 'lett it passe among our selves, for the best Alcumest in England will never washe out all the poyson of this Mercurye.' Salisbury was astute for the project finally found life in the hands of Lord Harrington, but only after the treasurer's demise and against the objections of Caesar and the treasury commissioners.

The corruption and incompetence of projectors and undertakers particularly concerned Ellesmere and his thoughts encapsulate the issues. The furtherance of suits and projects had diverted revenue from James' coffers into private hands while the new offices created were often needless and offensive to the subject.<sup>46</sup> In future 'yf p[er]son shall make any proiecte or offer of any sute wherby p[ro]fitt may be made, then the same to be converted to the increase of his Maj[es]ties revenew, so farre forthe as maye stande w[i]th Iustice, honour & conscience, And may be wythout inconvenience, grevance or offence to the people, ffor that is a poynt to be in all such sutes specially regarded.'<sup>47</sup> Ellesmere did not reject projects, but

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<sup>43</sup>There are a number of copper money projects in Salisbury's book, but most likely the one referred to here is BL Harleian Ms 4807, fol. 3r-4v and/or 52r-54v; others are Harleian Ms 4807, fol. 10r-11v, 12r-13v, and 55r-56v.

<sup>44</sup>BL Additional Ms 36767, fol. 196r.

<sup>45</sup>BL Additional Ms 36767, fol. 202r (14 August, 1608).

<sup>46</sup>HHL Ellesmere Ms 2610/1 and 3 [Ellesmere's pagination]

<sup>47</sup>HHL Ellesmere Ms 2610/2.

too many projectors had gained by 'shyftes & bargaynes'.<sup>48</sup> He demanded that special regard be had to the 'Integritye & fidelitie of the Ministers, to whome so great a charge & truste shall be com[m]itted', preferring always 'industrious and apte p[er]sons'.<sup>49</sup> Dorset and Salisbury would have agreed. Dorset fulminated to Salisbury about Mr. Yewart, a general surveyor employed in the business of enfranchising copyholds within the manor of Wakefield.<sup>50</sup> His 'large promises & litle p[er]formans' drove Dorset's intention to 'thrust him out of comission & never [again] conioine so bad a man, so extortious & so bankrout with knights & gentlemen that intend nothing but honest, sincere & profitable proceeding for the king'. Salisbury pronounced judgment on a project by Thomas Shirley in a letter to Caesar: 'I frame no hopes out of this Proiect knowing the man as I do', from whom 'I never expect more then ye first payment (if any), for divers reasons w[hi]ch I will tell yow'.<sup>51</sup>

Dissatisfaction with projects and projectors was expressed in James' early parliaments, an almost pervasive Tacitean outlook that men would 'alwaies be more moved with private interest, then with publike profit'.<sup>52</sup> In 1606, the house threw out a bill for registering titles to lands because it would 'breade a new office'.<sup>53</sup> Edwin Sandys suggested James part with purveyance in return for uncontested titles to and rents from drained Fenlands, believing it 'more acceptable to the people that the King receave the profit' than private undertakers.<sup>54</sup> The Elizabethan patent of Edward Hoby for 'Wooll jobbing and brogging' was contested for the deceptive practices of his executors, its inflationary effects, and private profit coming at the consumers' expense.<sup>55</sup> The project for defective titles was adjudged gracious in James' mind, honourably performed by the commissioners, but William Tipper 'employed in the Execution hereof, doth grieve the People'; Tipper was 'a Person Notorious for his Evill Courses' and long detested for his 'Wicked, Odious, and Ungodly

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<sup>48</sup>HHL Ellesmere Ms 2610/8.

<sup>49</sup>HHL Ellesmere Ms 2610/8 and 9 respectively. Ellesmere was particularly incensed by the undertakers responsible for land sales, assarts, defective titles, survey of woods, and leases in reversion.

<sup>50</sup>HH Salisbury Ms 120, fol. 150r (5 April, 1607).

<sup>51</sup>BL Additional Ms 36767, fol. 204v (21 August, 1608).

<sup>52</sup>Tuck, *Philosophy and Government*, 74.

<sup>53</sup>Willson (ed.), *Bowyer 1606-1607*, 53.

<sup>54</sup>Willson, (ed.) *Bowyer 1606-1607*, 72.

<sup>55</sup>Willson (ed.), *Bowyer 1606-1607*, 141-143.

Practises'.<sup>56</sup> James' counselled Prince Henry that 'Iustice should be blinde and friendlesse; it is not there ye should reward your friends, or seeke to crosse your enemies', but it was difficult for the king's subjects to discern these maxims in the practices of many projectors.<sup>57</sup> The virtuous projector remained a rarity in the Jacobean mental world. Sir Politic and Merecraft commanded the stage.

### III

It was a sombre irony that James' ministers understood the political destructiveness of their fiscal policies, yet deluded themselves into believing they could put an agreeable gloss on them when challenged. When James settled upon parliament as a tool of diplomatic persuasion in the Palatinate crisis and quest for the Spanish match, his ministers, Bacon chief among them, knew dangers loomed for the session.<sup>58</sup> Monopolies, more than impositions, threatened to cripple any display of political harmony for foreign consumption. The tobacco monopoly occasioned assessment by Chamberlain: 'in truth the world doth ever growne under the burthen of these perpetuall patents, w[hi]ch are become so frequent, that whereas at the K[ing]s comming in there were complaints of some eight or nine monopolies then in beeing, they are now said to be multiplied to so many scores.'<sup>59</sup> What measures of hyperbole and reality did Chamberlain's commentary encompass?<sup>60</sup> Numbers support his sense of the times. Thirty-eight patents were termed grievances or received extended complaint in parliament. Thirty-three of them were granted or confirmed between 1617-1620; on average, eight a year.<sup>61</sup> The preponderance in these years is put in perspective by a second list, 79 of James' grants 'like those w[hi]ch have bene questioned'.<sup>62</sup> The period 1603-1617 averaged under four grants a year; in the three years following the median was over nine. When both

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<sup>56</sup>Willson (ed.), Bowyer 1606-1607, 147-148. Tipper was also censured for having access to title records in the king's hands which defendants were barred from using in their defense. Willson (ed.), Bowyer 1606-1607, 133.

<sup>57</sup>King James VI and I, Political Writings, ed. Sommerville, 24.

<sup>58</sup>Cogswell, Blessed Revolution, 18-20. Russell, Parliaments, 87-91.

<sup>59</sup>PRO SP 14/116/13, fol. 20v (8 July, 1620).

<sup>60</sup>Fortunately, there are multiple compilations of grants subsequently questioned in the Commons. PRO SP 14/121/48, fol. 106r-107v; SP 14/121/49, fol. 108r-109v; SP 14/121/123, fol. 231r-231v; SP 14/121/124, fol. 232r-232v; SP 14/121/125, fol. 234r-236v. The latter is the most complete list.

<sup>61</sup>Nine of the patents had extended histories, sometimes Elizabethan. Where multiple grants were made, the most recent grant or confirmation was used for purposes of tabulation. PRO SP 14/121/125, fol. 234r; dating from Notestein, Relf, Simpson (eds.), Debates 1621, VII, 311-564 (Appendix B, Grants). Of the remaining five grants, three were in 1615 and two had datings too varied to include.

<sup>62</sup>PRO SP 14/121/125, fol. 234r-236r.



sets are integrated the average grants between 1615 and 1620 rise to almost fourteen; the median is eighteen from 1618-1620; a remarkable 19 and 24 grants were made respectively in 1618 and 1619 alone.<sup>63</sup> Chamberlain was entitled to think projectors were belabouring the commonwealth as never before.

Proclamations were also a touchstone for Chamberlain, in this case compositions for new buildings in London: 'On Wensday, divers were censured in the starchamber for building contrarie to the K[ing]s proclamation, w[hi]ch was so farr inforced that the L[ord] Chiefe Iustice said that yt was in effect and had the nature of an act of parliament.'<sup>64</sup> He later described the rise of an ominous partnership: 'indeed the world is now much terrified with the starchamber, there beeing not so little an offence against any proclamation but is liable and subiect to the censure of that court and for proclamations and patents they are become so ordinarie, that there is no end, every day bringing forth some new proiect or other'.<sup>65</sup> There was much truth in the assertion. In the past eighteen years, proclamations had furthered the cause of numerous projects, monopolistic or otherwise: the various faces of the tin business, assarts, defective titles, depopulations and enclosures, starch, jurors, alienations, alehouses, the alum works, fishing licences, an imposition on pepper, silk, dyed and dressed cloth, farthing tokens, felts, whale-fins, glass, forest laws, gold and silver thread, pins, wine casks, dyeing with logwood, the hot press for finished cloth, tobacco pipe-makers, and tobacco among them.<sup>66</sup> Chamberlain was witnessing the conjunction of projects, proclamations, and

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<sup>63</sup>PRO SP 14/121/125, fol. 234r-236r. Including the earlier grants in these patents' histories would increase the average before 1617, but not of the order of magnitude for the period 1617-1620.

<sup>64</sup>PRO SP 14/105/68, fol. 89r-89v (30 January, 1619).

<sup>65</sup>PRO SP 14/116/13, fol. 20r-20v.

<sup>66</sup>Larkin and Hughes *Proclamations: James I*, 28-29 (tin; 16 June, 1603), 105-108 (leases and assarts; 17 February, 1605), 111-112 (buildings in London; 1 March, 1605), 113-114 (assarts; 8 July, 1605), 154-158 (depopulations and enclosures; 28 June, 1607), 161-162 (enclosures; 24 July, 1607), 163-166 (starch; 23 August, 1607), 167-171 (jurors; 5 October, 1607), 171-175 (buildings; 12 October, 1607), 188-192 (starch; 5 July, 1608), 193-195 (buildings; 25 July, 1608), 197-200 (alienations; 1 October, 1608), 200-202 (alehouses; 12 December, 1608), 209-211 (alienations; 18 February, 1609), 213-217 (defective titles; 22 April, 1609), 217-219 (6 May, 1609), 224-227 (alum; 19 June, 1609), 233-236 (pepper; 30 November, 1609), 236-237 (defective titles; 30 November, 1609), 237-241 (starch; 10 January, 1610), 241-242 (defective titles; 11 February, 1610), 250-253 (starch; 22 August, 1610), 267-269 (buildings; 3 August, 1611), 169-271 (buildings; 10 September, 1611), 282-283 (silk; 17 July, 1612), 287-290 (farthing tokens; 19 May, 1613), 299-300 (felts, 2 December, 1613), 300-302 (dyeing cloth; 7 December, 1613), 308-310 (farthing tokens; 21 June, 1614), 312-314 (whale-fins; 11 September, 1614), 319-322 (alum; 10 October, 1614), 327-329 (dyeing and dressing cloth; 2 December, 1614), 342-343 (glass; 23 May, 1615), 345-347 (buildings; 16 July, 1615), 348 (forest laws; 16 September, 1615), 350-351 (farthing tokens; 26 October, 1615), 352-354 (tin; 26 October, 1615), 363-365 (farthing tokens; 17 March, 1617), 380-384 (alum; 16 March, 1618), 384-389 (gold and silver thread; 22 March, 1618), 398-400 (buildings; 20 July, 1618), 401-402 (pins; 20 July, 1618), 409-413 (alehouses; 19 January, 1619), 426-428 (defective titles;

Star Chamber being infused with Bacon's force of will as lord chancellor. In 1620, Bacon was behind the most unrelenting exploitation of proclamations and Star Chamber for fiscal ends that took place in James' reign. Eight of fourteen proclamations served the turns of projects, a preponderance rivalled only in 1607-1610, and 1614.<sup>67</sup>

This was established policy. Conciliar plans in 1617 first gave serious attention to Star Chamber fines as a major revenue in their own right.<sup>68</sup> After a false start late in 1618, the second treasury commission proceeded against the Dutch merchant community for exporting bullion in contravention of James' numerous proclamations.<sup>69</sup> This was the most lucrative Jacobean use of Star Chamber.<sup>70</sup> Bacon sent James a remarkable proposal at the new year, 1620. Conforming to his later interpretation of Henry VII, Bacon suggested James assume the mantle of law-giver and publicly proclaim certain commonwealth commissions in Star Chamber.<sup>71</sup> Bacon's commissions are instructive. He cited the two standing commissions as examples, navy and buildings, to which he added others for advancing the cloth trade, preserving coin and bullion, regulating imports and exports of grain, suppressing the grievances of informers, tightening administration of the Irish plantations, and expanding stocks of ordnance, powder, munitions, and armour. With the possible exception of corn, the commissions had obvious, sometimes proven, revenue possibilities directly, by patents, or through punitive fines. Two others, preventing depopulations and recovery of drowned lands, were blatant projects. James was persuaded. He hoped Bacon would examine them

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13 February, 1619), 428-431 (buildings; 12 March, 1619), 441-446 (gold and silver thread; 10 October, 1619), 455-457 (wine casks; 9 December, 1619), 457-460 (tobacco; 30 December, 1619), 464-466 (glass; 25 February, 1620), 467-469 (logwood; 29 February, 1620), 470-472 (hot press; 22 March, 1620), 473-475 (starch; 5 May, 1620), 478-480 (tobacco pipe-makers; 27 May, 1620), 481-484 (tobacco; 29 June, 1620), 485-488 (buildings; 17 July, 1620).

<sup>67</sup>1607, 11 proclamations/ 5 for projects; 1608, 10/4; 1609, 15/7; 1610, 8/4; 1614, 10/5. Larkin and Hughes (eds.), Proclamations: James I, xv-xxvi.

<sup>68</sup>PRO SP 14/90/71, fol. 135r (20 February, 1617).

<sup>69</sup>Spedding, Letters and Life, VI, 374-375 and PRO SP 14/109/87, fol. 160r-161v (11 June, 1619).

<sup>70</sup>PRO SP 14/109/112, fol. 203r-203v (26 June, 1619). The case can be followed in PRO SP 14/109/90, fol. 164r-165v; SP 14/109/96, fol. 172r-175v; SP 14/109/101, fol. 180r-181v; SP 14/109/102, fol. 182r-183v; SP 14/109/103, fol. 184r-185v; SP 14/111/66, fol. 106r-106v (8 December, 1619); SP 14/112/29, fol. 50r-51v (22 January, 1620); SP 14/116/121, fol. 172r (29 September, 1620); BL Additional Ms 64786, fol. 154r-155v (8 January, 1620); CKS U269/1.OE1424 [Cranfield Ms 6279] (1 March, 1619[1620]); Thomas G. Barnes, 'Mr Hudson's Star Chamber', Guth and McKenna (eds.), Tudor Rule and Revolution, 302; Spedding, Letters and Life, VII, 60-74; Samuel Rawson Gardiner (ed.), The Fortescue Papers (London, 1871), 96-99, 104-108, 131-132.

<sup>71</sup>Spedding, Letters and Life, VII, 70-73; Spedding, Ellis, and Heath, The Works of Francis Bacon, VI, 85, 242.

and 'keep the clock still going, his profit being so much interested therein'.<sup>72</sup> The commissions eventually chosen were unlikely to prove profitable, poor relief, suppressing vagabonds, and informers, and Bacon appears to have backed down from his initial enthusiasm, writing Buckingham that those three alone were ready and concerned 'the execution of any law, for which my speech was proper'.<sup>73</sup> William Hudson's treatise on Star Chamber attacked the instrumentalism of Bacon's policies.<sup>74</sup> He damned Bacon's miscarriages of justice in the merchants' case, establishing 'many dangerous precedents to the "antient course" of a court renowned for its justice ... from an excess of a zeal for the court's power and the king's [fiscal] interest.' The learned lord chancellor failed as Star Chamber's president because he gave ammunition to the 'rising tide of calumny' against it and could not effect the internal reforms necessary to protect it.

Bacon's attitudes which approved transforming Star Chamber into a truncheon for profit underpinned the dramatic expansion of monopolistic projects in these same years. Two moments in the tobacco projects are revealing.<sup>75</sup> James loathed the 'noysome and running Weede', but the tobacco impost was a welcome revenue.<sup>76</sup> The growth of English tobacco was prohibited by proclamation in December 1619, part of a larger project whereby the Virginia Company agreed to pay an additional 6d impost on tobacco sold in Britain.<sup>77</sup> In effect, a monopoly was being granted to traders in foreign tobacco. Bacon and Cranfield guided the project.<sup>78</sup> Bacon wanted agreement on the impost and farming the tobacco customs before the proclamation lest its motives be impugned. He pondered there might 'occur some doubt in law, because it restraineth the subject in employment of his freehold at his liberty.' But Bacon's sense of the public good brushed aside monopolistic concerns:

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<sup>72</sup>Spedding, *Letters and Life*, VII, 73 (Buckingham to Bacon; 19 January, 1619) and 75 (Buckingham to Bacon; 22 January, 1619) respectively.

<sup>73</sup>Spedding, *Letters and Life*, VII, 81 (Bacon to Buckingham; 17 February, 1619).

<sup>74</sup>Barnes, 'Star Chamber', 297-304.

<sup>75</sup>The stages and associated projects are well abstracted in Notestein, Relf, Simpson (eds.), *Debates 1621*, VII, 450-461.

<sup>76</sup>Larkin and Hughes (eds.), *Proclamations: James I*, 458 (30 December, 1619); Dietz, *Public Finance*, 350-357.

<sup>77</sup>Larkin and Hughes (eds.), *Proclamations: James I*, 459n and Notestein, Relf, Simpson (eds.), *Debates 1621*, VII, 454-455.

<sup>78</sup>Spedding, *Letters and Life*, VII, 62 (Bacon to Buckingham; 22 November, 1619); Prestwich, *Cranfield*, 243-244.

'being for so many reasons *pro bono publico*, I think it is good enough.' James agreed completely, 'holding this the safest rule, *Salus reipublicae suprema lex esto*': let the safety or welfare of the people be the supreme law.<sup>79</sup> Another proclamation in June 1620 enforced a monopoly grant of the entire trade 'to a group of merchants headed by Sir Thomas Roe, in exchange for an annual rent of £16,000', a deal negotiated by Cranfield.<sup>80</sup> The Virginia company lost heavily because the patentees were allowed to traffic in cheaper Spanish tobacco. Members of the company, including its director, the outspoken parliamentarian Edwin Sandys, would soon put Bacon's *pro bono publico* monopoly to the question. James' 'safest rule' would not protect the witches' brew of projects, proclamations, and Star Chamber from Commons scrutiny.

For the ministers who had guided this unprecedented expansion, the recourse to parliament in 1621 was problematic. They knew patents and proclamations would become an issue. Chamberlain wrote, 'we are in suspense whether we shall have a parliament after Christmas or no, for mine owne part I cannot perceve any goode either way, for impositions and patents are growne so grievous that of necessitie they must be spoke of, and the prerogative on the other side is become so tender that ... yt cannot endure to be touched.'<sup>81</sup> He added, 'many new patents have come foorth and more dayly expected' and cited those for tobacco, saltpetre, scouring armour, hay, printed matter, stamping linen, and probate of wills;<sup>82</sup> all of which eventually found their way into the Commons' grievances.<sup>83</sup> James sought an agenda for the session from Bacon, in consultation with the two Chief Justices [Hobart and Montagu] ('old Parliament-men') and 'Sir Edward Cook (who is also their senior in the school) and Sir Randall Crewe the last Speaker'.<sup>84</sup> After initially being excluded, Coke was added to this inner circle.<sup>85</sup>

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<sup>79</sup>Spedding, *Letters and Life*, VII, 64 (Buckingham to Bacon; 27 November, 1619).

<sup>80</sup>Larkin and Hughes (eds.), *Proclamations: James I*, 482n (29 June, 1620); Prestwich, *Cranfield*, 244.

<sup>81</sup>PRO SP 14/117/37, fol. 83r (28 October, 1620).

<sup>82</sup>PRO SP 14/117/37, fol. 83r.

<sup>83</sup>PRO SP 14/121/125, fol. 234r.

<sup>84</sup>Spedding, *Letters and Life*, VII, 114 (Bacon to King James; 2 October, 1620).

<sup>85</sup>In drafting the proclamation, Bacon referred to 'my colleagues, Sir Edward Coke, the two Chief Justices, and Serjeant Crewe, who approve it well'. Spedding, *Letters and Life*, VII, 123. Of Coke's involvement, Conrad Russell has written, 'James had advised Bacon to consult Coke on the preparation of business for the Parliament, advice Bacon imprudently failed to take.' Russell, *Parliaments*, 99. Also Jonathon Marwil, *The Trials of*



Grievances were paramount. Bacon and his colleagues presented James with former complaints they thought likely to be renewed and new grievances: 'Proclamations and Commissions, and many Patents'.<sup>86</sup> The contentious 'sorts of patents' were those for old debts, concealed revenues, and monopolies and forfeitures of penal laws.<sup>87</sup> Bacon employed a typology of patents which reveals the extent to which projects turned to private gain, not simply monopolistic devices, were the grievances. By condemning projects and patents as monopolies the Commons was to paint them in a particularly unpopular colour with bold hues of illegality. Bacon's distinction was lost in the session's zeal and has been little appreciated since. Old debts and concealments were legal and required separate treatment. Bacon advised an elaborate pretence: 'if some grave and discreet gentlemen of the country, such as have least relation to the court, make at fit times some modest motion touching the same; That his Majesty would be graciously pleased to permit some law to pass (for the past time only) no ways touching his Majesty's regal power, to free his subjects from the same'. After a show of deliberation, James should then 'give way.'

Monopolies were to be dealt with by similar Baconian subterfuge. James should chose a number to be revoked. **Then** they should 'be questioned before the Council-Table, either as granted contrary to his Majesty's book of bounty, or found since to have been abused in the execution, or otherwise by experience discovered to be burdensome to the country.' Further, their suspension should not have the taint of 'preparation to a Parliament', but a continuance 'of the Council's former diligence and vigilancy, which hath already stayed and revoked divers patents'. Tellingly, they affirmed so many remained that their suspension en masse would 'give more scandal that such things were granted, than cause thanks that they be now revoked'.<sup>88</sup> James was also given a complete breakdown of the grants with their suitors and patentees. They were wary of meddling with proclamations and commissions. Loath to

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Counsel: Francis Bacon in 1621 (Detroit, 1976), 16-24. Robert Zaller, The Parliament of 1621: A Study in Constitutional Conflict (Berkeley, 1971), 54-61.

<sup>86</sup>Spedding, Letters and Life, VII, 145 (29 November, 1620).

<sup>87</sup>Spedding, Letters and Life, VII, 146. Bacon added they 'were somewhat more frequent since the session of 7mo [1610]'.  
<sup>88</sup>Spedding, Letters and Life, VII, 147. A similar view was taken by Lord Treasurer Buckhurst as he and Robert Cecil prepared for the 1601 parliament. Dean, Parliament 1584-1601, 86-87.

attract the attention of suspending former proclamations by another; it was best if 'they fell away by taking away the Patents' attendant on them.

Bacon, Coke, Montagu, Hobart, and Crewe had crafted an ambitious solution to the explosion of patents which was destined to remain unrealized. They were ready to report their work by mid-December and debated suspending the patents in council.<sup>89</sup> Bacon argued conciliar attention would prevent them being contested in parliament and diverting attention; enough innocuous patents remained if parliament had to feast on something. Bacon likened his persuasion to 'Ovid's mistress, that strove, but yet was as one that would be overcome'. Conciliar opposition was both obstructive and rational. Members of parliament would probably have viewed it, correctly, as tactical. Setting parliament an unwanted agenda would be pointless, but contending that offered graces lost their value and that parliament had to be left to pick at something of their own design were rhetorical arguments.<sup>90</sup> Self-interest was at the heart of opposition. Why should the councillors willingly deliver up projects profitable to the king, themselves, or either's servants?<sup>91</sup> Opponents made a point of arguing that 'former patents taken away by act of Council were upon the complaints of particular persons' rather than as some general obligation.<sup>92</sup> There was no willingness, largely for reasons of patronage, to part with patents unless or until they became specifically objectionable.

Buckingham is the bell-weather. Among those to be suspended, Bacon and his colleagues included 'three which may concern some of your Lordship's special friends ... that to Sir G. Mompessons, touching the inns; The second to Mr Christopher Villiers and Mr. Maule, touching the recognizances for ale-houses: The third, to Mr. Lieutenant of the Tower, touching the cask.'<sup>93</sup> Bacon warned the patents could not be protected 'for that (specially the first two of them) are more rumoured, both by the vulgar and by the gentlemen, yea, and by the Judges themselves, then any other patents at this day.' Bacon advised the favourite to 'put

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<sup>89</sup>Spedding, Letters and Life, VII, 151-152 (Bacon to Buckingham; 16 December, 1620). The council debate took place 'two days past' or 14 December. It might be noted that this meeting found no record in the privy council registers. Acts 1619-1621, 320-331.

<sup>90</sup>Spedding, Letters and Life, VII, 152.

<sup>91</sup>For instance, two of Mandeville's servants held the much disputed patent for licensing inns. Russell, Parliaments, 101-104, also 125n.

<sup>92</sup>Spedding, Letters and Life, VII, 152.

<sup>93</sup>Spedding, Letters and Life, VII, 148-149 (Bacon to Buckingham; 29 November, 1620).

off the envy of these things (which I think will in themselves bear no great fruit), and take the thanks for ceasing them, than the note for maintaining them.' This was courageous work for Bacon, but Buckingham was unyielding. Bacon broached the subject again after his failure in council, but to no avail.<sup>94</sup> The very next day, Buckingham conveyed James' approval of Robert Flood being named patentee of the new office of engrossing wills;<sup>95</sup> an individual seconded by Bacon and Mandeville, to a grant pressed for by Christopher Villiers, and soon condemned at parliament's hands.<sup>96</sup>

Three years earlier Buckingham had persuaded James to sever the privy council's authority when it proved unreceptive to retrenchment.<sup>97</sup> This time, Buckingham used the council as a stop against measures he disapproved. However, Bacon urged again the importance of 'a middle thing between art and chance: I think they call it providence, or some such thing; which good servants owe to their sovereign, specially in cases of importance and straits of occasions.'<sup>98</sup> Bacon proffered further advice which he asked the king to peruse and then 'give me leave to wait on him', but preventative efforts with patents were dead. Bacon remained undeterred and attempted to intervene personally with James, bypassing Buckingham. This effectively doomed his partnership with the favourite. However, Buckingham's chance did not wholly triumph over Bacon's art. Vested patent interests were content to weather whatever storm might be generated in parliament, but they expected to mitigate its severity by framing the debate on the floor. Providence took the form of Edward Coke and Lionel Cranfield once the session began, prompting the outspoken Edward Alford to observe the readiness of James' councillors to 'doe the Commonwealth service.'<sup>99</sup>

#### IV

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<sup>94</sup>Spedding, *Letters and Life*, VII, 153.

<sup>95</sup>Spedding, *Letters and Life*, VII, 154 (Buckingham to Bacon and Mandeville; 17 December, 1620).

<sup>96</sup>For the progress of the grant see Spedding, *Letters and Life*, VII, 121-122, 140-141, 150-151, 154; Notestein, Relf, Simpson (eds.), *Debates 1621*, VII, 469-470.

<sup>97</sup>Below, 223-229.

<sup>98</sup>Spedding, *Letters and Life*, VII, 155 (Bacon to Buckingham; 23 December, 1620).

<sup>99</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, VI, 251 (19 February).

James' opening speech promised legislation and redressed grievances would be the members reward for voting supply.<sup>100</sup> Cranfield and Coke structured this reciprocal agenda during debate of the king's address. Cranfield offered that 'supplies and grievances might go forward hand in hand.'<sup>101</sup> Coke recommended that the 1610 grievances be examined--an earlier act of preparation; Coke was proposing a path he had already trod. He echoed Cranfield: 'Let grievances be then spoken with duty and comeliness and what the true cause of them are, I shall be ready to further it. And if you should begin with the subsidy, yet let both grievances and subsidy end together. For they are like Hippocrates' twins.' He furthered the crown's constructive engagement by supporting immediate supply. In joining Hippocrates' twins, Cranfield and Coke put patents on the agenda along with religion, trade, and justice.<sup>102</sup> Far from being an unwanted consequence of Commons' debates over economic hardship, as Conrad Russell states, patents were put on the block by the action of James' councillors.<sup>103</sup>

The Commons initially stalled over freedom of debate, but it took only an afternoon's debate for them to resolve upon supplying James once that was settled.<sup>104</sup> Differing opinions on the size of the grant followed until Edwin Sandys suggested they give two subsidies as 'a present of love to the King ... in regard that it is no proportion for the regaining of the Palatinate, and therefore instead of terrifying our enemies it will hearten them'.<sup>105</sup> Sandys' motion carried the debate and Coke delivered James thanks the next day.<sup>106</sup> Their 'free and not merchant-like dealing' would preserve his honour abroad and yield redress at home. His councillors promised he would meet them 'above half the way' with grievances. Coke's own motion had precipitated this official support and the Commons should 'strike while the iron is hot and to appoint two days every week to hear grievances.' Thomas Crew reiterated that 'there is nothing reasonable that we can ask but we shall have.'

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<sup>100</sup>Russell, *Parliaments*, 84-91 and 118-121.

<sup>101</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 22-23 (5 February).

<sup>102</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, V, 437 (5 February).

<sup>103</sup>For a different perspective see Russell, *Parliaments*, 98-100.

<sup>104</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 25-92.

<sup>105</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 91.

<sup>106</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 92-94 (16 February, 1621).



Cranfield's speech the previous day restated the grievances as judicial abuses, decayed and unbalanced trade, and patents.<sup>107</sup> He laid the boundaries of acceptable debate--overbroadly as it turned out: 'what patent hath not had a fair pretence, I know something because I have been a Master of Requests. In the beginning of a petition for a patent are the reasons of it, in the end the names of the parties. The King was ever jealous and would not refer it to those whose names were in it. If the referees be in fault, can he do himself more honor than to call them to account? If the fault be not in them, but in the executioners, do you not think that the King will punish them that shall abuse his grace?' They could attack projects, undertakers, even referees, but James was absolved and, thereby, the prerogative. William Noy concurred: 'All petitions begin with favourable shewes of proffit. The King rests not in this but refers them all.'<sup>108</sup> Therefore the projects must be examined, some 'are good in truth but abused, other[s] ill in their owne nature.' All projectors should be called to 'geve an account of their good husbandrie; if they have done well, to be rewarded; if ill, to be punished.'

From Edward Coke's challenge to the alehouse proclamation, 'spronge divers Motions aswell concerninge Proclamacions in generall'.<sup>109</sup> Edward Montagu drew attention to recent proclamations 'for binding of victuallers for dressing of flesh in Lent'.<sup>110</sup> Laws against 'killing, dressing, and eating of Flesh in Lent, or on Fish dayes' were to be strictly enforced nation-wide by recognizances.<sup>111</sup> The benefit of forfeitures were granted to several of James' servants, and complaints spurred by their zealous efforts to profit by it had to be arbitrated before the privy council. These events were enough for Montagu to adjudge the proclamations' purpose had been to 'increse new fees, which is a grievance.'<sup>112</sup> They also drew 'the punishment from the course of the Stattute and the penalties imposed by Lawe to a

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<sup>107</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 89; also IV, 58-59. Cranfield was not alone citing patents. Sackville regarded monopolies as the principal grievances, which like 'incubus and succubus, suck out even the vital spirits of the subjects.' Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 85.

<sup>108</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, IV, 78-79 (19 February).

<sup>109</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, IV, 90 (22 February).

<sup>110</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 119 (22 February). The proclamations Montagu referred to are Larkin and Hughes (eds.), *Proclamations: James I*, 450-454 and 498.

<sup>111</sup>Larkin and Hughes (eds.), *Proclamations: James I*, 450-454.

<sup>112</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 119.

tryall in the Starchamber.<sup>113</sup> Secretary Calvert defended the proclamation and recognizances as the best means available to enforce the statutes and disingenuously claimed that someone 'went to make a suit of it, but the King would not hear of it.'<sup>114</sup> Unmoved, Francis Barrington was certain there have never been such proclamations in Gloriana's time. Edward Alford steered debate back from Barrington's golden age to Jacobean reality: 'We sit here in parliament to make laws, where our ancestors have sat who have made laws that we are governed by and not by proclamations, which are annexed to the monopolies which are grievous to the realm.'<sup>115</sup> John Glanville would not deny the 'power to make proclamations in matters of state', but their abuse 'by these projectors to private ends' was unacceptable; James should be petitioned 'that they may be used but in matters of state' and with moderation.<sup>116</sup>

The Commons were in danger of missing the forest for the trees by straying into general complaints with proclamations rather than their particular abuses. Lionel Cranfield warned them off a course which would surely provoke James: 'We are in a good way on a good subject. To question the king's prerogative in making proclamations is not meant. But if there be any grievance in any proclamation, let us seek to remedy it by humble petition to the King.'<sup>117</sup> The familiar royal refrain for prerogative irritants delivered, Cranfield accommodated their sentiments: 'these proclamations are gotten from the King by the same degrees the patents are'—upon misinformation and untrue pretences. The Commons resolved that 'all such proclamations should be considered by the Grand Committee for Grievances'.<sup>118</sup> The committee's resolution against alehouses was confirmed by the house with the addition 'that seeing Proclamations were not Laws absolute but temporary, that the Penalties of Proclamations were boundless and not to be used, but when Necessity of State requires.'<sup>119</sup> The language of the ensuing debates establishes that proclamations were at issue less because

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<sup>113</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, IV, 90.

<sup>114</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 119-120.

<sup>115</sup>BL Harleian Ms 7614 apparently contains Alford's analysis of a whole range of Tudor and Jacobean proclamations. Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 120n.

<sup>116</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 121.

<sup>117</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 121-122.

<sup>118</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 122.

<sup>119</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, V, 485 (22 February, 1621).

of their frequency or legal standing than their use as tools of projects, particularly those entailing substantial private gain. Heanage Finch compellingly condemned the patent for gold and silver thread on these grounds: 'the pattent is not a greevance in itselfe for that it grants but a priviledge for a tyme to a new invencion; but the Commission and execution of the Pattent are accompanied with proclamations, wherupon terrour and suits in the Starchamber are greivances.'<sup>120</sup>

Coke weighed in against projects in decisive fashion. He placed himself among those opposing Bacon's conciliar option, 'against the callinge in of theis Pattents before the Parliament, because then they would have been kept in store for a newe suite. If they be questioned and punisht here, they must not speake for the same things againe.'<sup>121</sup> Coke borrowed further from the preparations: abusive patents were those for penal statutes because the king cannot delegate his prerogative, new offices and old debts, and concealments.<sup>122</sup> Coke concluded with an extensive recital of precedents against monopolistic patents.<sup>123</sup> The rest of the debate is clouded, but, by its conclusion, inns and alehouses had become the primary targets, the very patents which Bacon had advised Buckingham and his relatives to give up.<sup>124</sup> Giles Mompesson held the patent for inns and was summoned before the committee with his records.<sup>125</sup> Mompesson and his deputies were authorized to licence inns nation-wide because that duty fell outside the authority of JP's and justice of the assize were unequal to the task;<sup>126</sup> the patentees were also empowered to punish unlicensed innkeepers.<sup>127</sup> Little discussion was required to convince members it was a grievance worth thorough examination.<sup>128</sup> Coke borrowed a criteria from his work with Bacon by which projects were subsequently judged: abuses in conception, execution, or

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<sup>120</sup>Notestein, Relf, Simpson (eds.), Debates 1621, V, 32 (8 March, 1621).

<sup>121</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 79; Spedding, Letters and Life, VII, 151-152.

<sup>122</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 79. Compare with Spedding, Letters and Life, VII, 145-148.

<sup>123</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 79-81 (19-20 February).

<sup>124</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 81 and above.

<sup>125</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 108 (20 February) and Debates 1621, VI, 251-257 (24 April). The process of investigation is summarized in Foster, 'Patents', 64-75 and illustrated in Debates 1621, VI, 249-278.

<sup>126</sup>Russell, Parliaments, 101.

<sup>127</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 108 and Debates 1621, VII, 379-387.

<sup>128</sup>Notestein, Relf, Simpson (eds.), Debates 1621, VI, 257.

both.<sup>129</sup> Of Mompesson's patent, 'as it was ill in the project, so it was worse in the execution'.<sup>130</sup> All projects were judged by this standard, including the other great disputes, alehouses and gold and silver thread.<sup>131</sup> The denunciation of these projects, their execution, the patentees, and the ministers who approved them is remarkably consistent.

Projects were condemned in conception for being contrary to the book of bounty by which 'no man shall presume to become a suitor for monopolies and dispensation of penal laws.'<sup>132</sup> Coke and Noy asserted that inns were a free trade allowed by the common law and could not be licensed.<sup>133</sup> The thread patentees held the sole making for 20 years as a new invention, but witnesses testified it had been in use for decades.<sup>134</sup> Alehousekeepers were bound by recognizance to maintain good order; patentees received the benefit of their forfeited bonds.<sup>135</sup> Coke and his colleagues were uncertain about this, but knew if they 'branded it in the execution only, the commission might have start[ed] up again in a short time ... we branded the very institution of it likewise.'<sup>136</sup> Investigation uncovered remarkable abuses in execution.<sup>137</sup> Mompesson's agent begged the keeper of an alehouse for lodging and promptly served him with process for keeping an inn without licence when he was offered the keeper's bed.<sup>138</sup> Forcing innkeepers to take licences, the explosion of inns given the profit incentive of licensing, and suborning the authority of assize justices were central allegations.<sup>139</sup> Subverting local government, this time the JPs', was behind the dispute over alehouses.<sup>140</sup> Silver thread made under the patent was debased with lead, neither was bullion

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<sup>129</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 84-85 and Debates 1621, II, 112 (21 February). In November 1620, Bacon described patents which were conceived against the book of bounty, 'or found since to have been abused in the execution.' Spedding, Letters and Life, VII, 146.

<sup>130</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 112.

<sup>131</sup>For examples of this language see Notestein, Relf, Simpson (eds.), Debates 1621, II, 118, 128, 145, 176, 184; Debates 1621, IV, 84-85, 87; Debates 1621, VI, 41, 262, 278.

<sup>132</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 181 (8 March); also Debates 1621, VI, 43-44 (15 March).

<sup>133</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 174-175 (7 March) and 181.

<sup>134</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 184 (8 March). Seven years was also deemed sufficient for a new invention.

<sup>135</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 118 (22 February).

<sup>136</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 118 and Debates 1621, VI, 265 (1 March).

<sup>137</sup>For investigations in the Lords see Russell, Parliaments, 106-108.

<sup>138</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 86. This is retold in Russell, Parliaments, 102, authenticating its veracity.

<sup>139</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 174-176, 179-184 and Notestein, Relf, Simpson (eds.), Debates 1621, IV, 84-87.

<sup>140</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 118-119. Also Russell, Parliaments, 101.



imported for production, but the realm's own scarce silver used.<sup>141</sup> More elaborate extortion ensued, including imprisonment of recalcitrant goldsmiths, when Mompesson and Francis Mitchell, on behalf of Edward Villiers, were empowered to regulate the production of gold thread.<sup>142</sup> Heneage Finch followed every strand in condemning abuses of legal processes for thread: 'To settle this project there have been patents, indentures, proclamations, commissions, informations both in the Exchequer and Star Chamber. All which were grievances both in the frame and execution.'<sup>143</sup>

Projectors and undertakers were viciously condemned. Mompesson fled abroad to escape the baying of parliamentary wolves.<sup>144</sup> He was condemned in absentia as 'one that would be loath there should be any ill in a commonwealth wherein he would not have a finger' while Hamon L'Estrange retorted 'Mompesson said he was justice *per excellentiam*. I may say *per pestilentiam*'.<sup>145</sup> Coke invoked the spectre of Empson and Dudley and declared them fools to Mompesson.<sup>146</sup> Members may have reserved their most fustian language for Mompesson, but Edward Giles was not alone when he hoped 'that this parliament will take order with these blood suckers of the kingdom'.<sup>147</sup> Noy protested James' dishonour that projectors 'fixed their bills upon posts like mountebanks and quack salvers ... that those things which are the king's royalties should be thus set to sale, it is a foul abuse'.<sup>148</sup> The king's prerogative turned to private gain is the subtext of these condemnations.<sup>149</sup> It was a crucial consideration in placing alehouses in the petition of grievances in 1606.<sup>150</sup> Coke believed members in 1621 could 'perceive that injustice and iniquity do sometimes play the apes of

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<sup>141</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 165 (5 March).

<sup>142</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 166-167 (5 March); Russell, Parliaments, 102-103. The former attorney general (Yelverton) and Bacon were heavily criticized for sanctioning such methods. Notestein, Relf, Simpson (eds.), Debates 1621, II, 166-167.

<sup>143</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 184 (8 March).

<sup>144</sup>Mompesson fled on 2 March. For various details, Notestein, Relf, Simpson (eds.), Debates 1621, II, 145-146 (27 February) and 160; PRO SP 14/120/52, fol. 82r (28 March, 1621); Larkin and Hughes (ed.), Proclamations: James I, 499-500.

<sup>145</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 186 (8 March) and 168 (5 March) respectively.

<sup>146</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 161.

<sup>147</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 168.

<sup>148</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 125 (22 February).

<sup>149</sup>See Russell, Parliaments, 100-103, though I disagree with the over-riding emphasis Russell gives this question against the larger dimension of fiscal policy.

<sup>150</sup>Willson (ed.), Bowyer 1606-1607, 113. The patent was held by Lord Danvers and John Gilbert at this time.

justice. They sit on the stool of wickedness and consult and set down instructions in the form of laws.<sup>151</sup> According to Dudley Digges, 'when men will have to do with King's prerogatives some monopolies, monsters, half men, half beasts, are produced.'<sup>152</sup>

Projects contributed to a crucial political impasse of Jacobean parliaments. James maligned previous arguments that members 'would give all they had if they knew it should come to my purse'.<sup>153</sup> Yet Carvile must have struck a chord with advice to 'show our grievances, which are such that out of every 1000li levied in the country scarce 200li come to his Majesty ... the greatest part of the grievances go into private men's purses and ... is colored out upon the King.'<sup>154</sup> Carvile was speaking of projects turned to private gain, just as Digges did a month later: 'He compared the projectors to harpies... They had a virgin's face but their hands and feet were like griping talons. They pretended the profit of the King and good of the kingdom, what more fair. But they intended only their own gain though procured by unjust vexation and oppression, what more cruel.'<sup>155</sup> Members were convinced projects offered only a pretence of profit to James.<sup>156</sup> 'The King hath not 400li. of them' by Cranfield's rhetorical estimate.<sup>157</sup> Coke mused that projectors would join alchemists, monopolists, promoters, concealers, and depopulators in the pantheon of scraping villains who never thrived, but the Commons had uncovered nothing to support that conclusion.<sup>158</sup>

These details were embarrassing for Buckingham, his relatives and servants were fully implicated, but he disavowed his kin and remained untainted: 'truly I thought the projects had been good for the King and commonwealth as was pretended.'<sup>159</sup> Would the investigations reach the king's ministers who had approved projects?<sup>160</sup> Mompesson's inns were home to notable figures. Its legality was approved by Bacon, Baron Tanfield, and

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<sup>151</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 128 (23 February); also, Debates 1621, VI, 257.

<sup>152</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 129 (23 February).

<sup>153</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 8 (30 January).

<sup>154</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 87.

<sup>155</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 180; also, Debates 1621, VI, 40 (14 March).

<sup>156</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 109. 'Sir William Stroude desires the house to consider what intent Sir Giles had in begging his Patent. There appeares no other cause but his own private gaine.' Debates 1621, VI, 256.

<sup>157</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 90.

<sup>158</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 151 (2 March).

<sup>159</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 161; Russell, Parliaments, 107-108.

<sup>160</sup>Also Russell, Parliaments, 108.

Justice Nicholls; Mandeville, Winwood, Lake, and Finch had certified its value.<sup>161</sup> Coke unavoidably condemned them in protecting James: 'If these did certify it, no king in Christendom but would have granted it.'<sup>162</sup> Yet only Francis Seymour dissented from the House's seeming indifference to referees.<sup>163</sup> He was questioned for that intemperance and 'licensed to go to the country for a few days'.<sup>164</sup> It would appear James ministers who might be implicated, wanted the issue dropped. Seymour's recantation in the Commons did nothing of the sort: 'There was an order that referees might be questioned, but it is asleep and my fear tells me that it will not awake.... My suit is that there be set a day to hear what these referees will speak ... and then if their fault be as great as others, I see no cause why they should not be punished'.<sup>165</sup> The entreaty might have been weathered had not Cranfield backed Seymour.<sup>166</sup> The projector 'had had no patent if the referees had not certified both the lawfulness and conveniency ... agree that the referees and the certificate be brought hither'.<sup>167</sup> Coke was ambivalent.<sup>168</sup> He attacked Francis Michel for asserting that 'many of the most judicious eyes of the kingdome hath viewed' his project.<sup>169</sup> Yet he condemned Salisbury for instigating penal law grants over his objections and reminded members that Empson and Dudley had paid with their lives for such policies.<sup>170</sup>

It became impossible to shield the referees.<sup>171</sup> The committee seems to have followed the *via media* of Henry Vane: 'I speak not that I would have these great persons called here

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<sup>161</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 108 (20 February). Suffolk was later found to have been involved. Notestein, Relf, Simpson (eds.), Debates 1621, II, 183.

<sup>162</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 108.

<sup>163</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 112; also Notestein, Relf, Simpson (eds.), Debates 1621, IV, 99 (24 February).

<sup>164</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 146n.

<sup>165</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 147 (27 February).

<sup>166</sup>Conrad Russell has asserted the referees were 'bitterly pursued for the rest of the session by a team of three clearly acting in concert, Lionel Cranfield, Sir Francis Seymour, and William Mallory.' Russell, Parliaments, 109.

<sup>167</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 147. Cranfield was speaking of Mompesson.

<sup>168</sup>Notestein, Relf, Simpson (eds.), Debates 1621, VI, 47 (13 February).

<sup>169</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 127-128 (23 February).

<sup>170</sup>'Yet that great Lord Treasurer (though but a little man) got a reference of it to the Judges and they all agreed upon that I had said.' Notestein, Relf, Simpson (eds.), Debates 1621, II, 125; also Debates 1621, VI, 286 (10 March).

<sup>171</sup>For instance the investigations of gold and silver thread. Notestein, Relf, Simpson (eds.), Debates 1621, II, 164-167.

to answer, but that every man's offence be laid open in the passage.<sup>172</sup> Lords and Commons met in conference on 8 March for report on Mompesson and the thread project.<sup>173</sup> Dudley Digges spoke for the Commons and only obliquely touched on the referees.<sup>174</sup> At the particular urging of Cranfield, the referees were specified in the second conference two days later.<sup>175</sup> The concerned ministers were named and the Villiers' clients identified.<sup>176</sup> The referees for inns were implicated, but the thread project was worse: 'Divers great men were put in the commission ... [with] power to imprison men, which is contrary to the statute of Magna Charta ... as the Lord Chancellor [Bacon], Treasurer [Mandeville], Attorney [Yelverton], together with Sir Francis Michell, Sir Giles Mompesson, Twittie, and Fowle'.<sup>177</sup> Guilt by association indeed. Bacon, Mandeville, and Buckingham defended themselves and submitted to James the same day.<sup>178</sup> Bacon's fall began with these conferences and was assured when the Commons took up bribes and extortion in matters of justice.<sup>179</sup> Cranfield was instrumental in spotlighting referees, apparently confirming Prestwich's view he was pursuing a 'private aim of undermining Bacon when the opportunity occurred'.<sup>180</sup> But Cranfield was almost certainly striking at Mandeville, who was sunk in the mire of projects as deep as Bacon and 'the more strongly attacked of the two'.<sup>181</sup> James thought the Commons' pursuit of referees indulgent, but there was no telling whether, having destroyed Bacon, Mandeville might not be next.<sup>182</sup> Mandeville's eventual removal served Cranfield's ambitions, to which Bacon's impeachment seems to have been incidental, though Cranfield

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<sup>172</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 169 (6 March); also Debates 1621, IV, 31 (8 February).

<sup>173</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 179 (8 March).

<sup>174</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 179-183.

<sup>175</sup>Notestein, Relf, Simpson (eds.), Debates 1621, VI, 45-51; also Debates 1621, II, 179.

<sup>176</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 183-198; also Debates 1621, VI, 52-53 (19 March).

<sup>177</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 185.

<sup>178</sup>Notestein, Relf, Simpson (eds.), Debates 1621, VI, 52-53 and Lady E. DeVilliers (ed.), 'The Hastings Journal of the Parliament of 1621', Camden Miscellany XX (London, 1953), 29-31.

<sup>179</sup>PRO SP 14/120/38, fol. 57v (24 March, 1621); Peck, Court Patronage, 186-187; Russell, Parliaments, 111-114. Nieves Mathews, Francis Bacon: The History of a Character Assassination (New Haven, 1996) takes up Bacon's defense, not wholly unconvincingly. Unfortunately the presumption that printed texts of primary sources are adequate (and alone sufficient) and a largely uncritical appraisal, particularly of aged secondary material—save for its treatment of Bacon—compromise much of the wider historical context with relation to personalities and policymaking. For instance Mathews, Francis Bacon, 110-120 against the immediately preceding discussion of Bacon, projects, and preparation for the session.

<sup>180</sup>Prestwich, Cranfield, 287-289.

<sup>181</sup>Russell, Parliaments, 104-111, 125n.

<sup>182</sup>Russell, Parliaments, 119.



opposed projects in principle and had little patience for the process and people involved.<sup>183</sup> But James 'was never prepared to defend any of his servants who were accused of corruption' and Buckingham found his estranged colleague a welcome scapegoat.<sup>184</sup>

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Conrad Russell was struck by 'absence of any royal resistance' to the attack on patents 'or even any sign of royal displeasure'.<sup>185</sup> It is hardly surprising. James and his ministers acquiesced to its inevitability: that Bacon had advised suspending many of them could have left no one doubting the Commons would demand action. James needed political unity and fiscal support.<sup>186</sup> The logic of politics advised against concessions before reaching the bargaining table. James followed that strategy in 1620-1621 when he refused to give up patents before the Commons bid for them. James was repeating Salisbury's initial opening in 1610: a statement of need and general desire to reciprocate.<sup>187</sup> When Cranfield and Coke made patents an open topic, it was a concession to the nature of political parley and inevitability, and, dare one say, a bid for the initiative. The successful vote for supply shifted the dynamic. James' residual need to maintain good relations with his parliament—two subsidies were hardly an answer if war became inevitable and his debts remained—and the king's own sympathy kept him behind reform.<sup>188</sup> However, there was a limit beyond which James would not support reform. His parameters in dealings with parliament always remained that members might debate specific abuses, in this case of patents, but not the prerogative powers themselves.

Intention to frame a monopolies bill was put forward by Coke at the 10 March conference.<sup>189</sup> The idea sprang from fiercely impassioned speeches on 5 March in which Coke recited Magna Carta, Digges called for a bill by which projectors, suitors, and certifiers 'may be damned to posterity', John Walter seconded him, Edward Giles thought 'the more

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<sup>183</sup>Below, 230-232; CKS U269/1.Oo188 [Cranfield Ms 4074].

<sup>184</sup>Russell, *Parliaments*, 111-113.

<sup>185</sup>Russell, *Parliaments*, 100.

<sup>186</sup>Russell, *Parliaments*, 87-89; Cogswell, *Blessed Revolution*, 18-20.

<sup>187</sup>Below, 152-156.

<sup>188</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 88 and Russell, *Parliaments*, 100 and 109-110.

<sup>189</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, II, 194.

examples we make of great men, the more good we do', and Hamon L'Estrange wanted those 'Jezebels that whisper in the King's ears' to be made to hear Solomon's righteous wisdom.<sup>190</sup> The litany of abuses fired members and precipitated a collapse of the political pragmatism which had prevailed to that point. Coke was torn between principle and office: reverence for the law and longing for place much like Cranfield's hatred of projects versus ambition and partnership with Buckingham.<sup>191</sup> Principles drove Coke to overzealousness, 'the sheer blundering force' of which brought him to grief after the second session.<sup>192</sup> By the conference, members wanted all patents revoked and commissions for the king's revenue re-granted to 'men of account'.<sup>193</sup> It had become 'necessary that some law be made for the time to come that no monopoly be granted, and they that procure any such may incur some great punishment, and this will kill the serpent in the egg'.<sup>194</sup> The same day, James publicly defended his actions with the patents in the Lords. He agreed '(as Sir Edward Coke moved) there should be a lawe made against theis thinges' for 'I have bene alwayes a hater of projects and projectors ...soe troublesome to me that neither my selfe nor those about me could rest in their beddes quiet for projectors, as the greate backe gallery, if it had a voice, could tell'.<sup>195</sup> Russell has argued James welcomed this prospective relief.<sup>196</sup> However, long before the bill passed, James testified since Parliament began, 'hee was free from Suitors'.<sup>197</sup> If James supported a bill it was only to preserve the harmony of the session and because he was fully armed to overturn it.<sup>198</sup>

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<sup>190</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 167-168. Also Notestein, Relf, Simpson (eds.), Debates 1621, V, 25 (2 March) and Debates 1621, VI, 31 (6 March).

<sup>191</sup>Stephen D. White, Sir Edward Coke and 'The Grievances of the Commonwealth,' 1621-1628 (Chapel Hill, 1979) 3-23 and 113-141.

<sup>192</sup>Russell, Parliaments, 123. This is particularly well demonstrated in the minute book of the committee of grievances: Notestein, Relf, Simpson (eds.), Debates 1621, VI, 249-278. 'After the Parliament, whether on James' initiative or on Buckingham's, steps were taken to punish some of the leading members. Coke, Phelps, Pym, Hakewill, and Mallory were imprisoned, Rich, Crew, Digges, and Perrott were sent to Ireland, and Sir Peter Hayman were sent to the Palatinate.' Russell, Parliaments, 143.

<sup>193</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 194 (Coke).

<sup>194</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 194 (Coke).

<sup>195</sup>DeVilliers (ed.), 'Hastings Journal', 26.

<sup>196</sup>Russell, Parliaments, 109-110.

<sup>197</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 203-204 (27 March).

<sup>198</sup>Part of Russell's interpretation seems to rest on his belief that Bacon had been working on a monopolies bill during preparation for the session, with James' sanction. This is erroneous and based on a misreading of Jonathon Marvill's account of Bacon's preparation. Russell, Parliaments, 99n. Bacon's actual letter is clear; he proposed legislation for old debts and concealments only. Spedding, Letters and Life, VII, 146-147.

The act itself was sufficient to incur James' opposition. Coke claimed he had not questioned the prerogative, asserting there was an incontrovertible component (absolute prerogative), however that part bound by law was disputable (ordinary).<sup>199</sup> The latter clearly encompassed patents in Cokes' mind, but the bill which he shepherded through several revisions eventually violated James' maxim about grievances. The final version not only questioned the prerogative right, but took it away.<sup>200</sup> The original act derived its authority from James' declaration against monopolies and penal law benefits in the book of bounty.<sup>201</sup> Coke added a clause by which those declarations were 'consonant and agreeable to the ancient and fundamentall lawes of this your realme.'<sup>202</sup> Rather than cite precedents, Coke used the language of common law supremacy to reject the king's power to grant such patents in the first place.<sup>203</sup> Pragmatism required provision for future grants which might prove abusive in execution; they were to be tested according to the common law.<sup>204</sup> A subsequent change barred Chancery and conciliar adjudication.<sup>205</sup> Patronage was inextricably concerned. This prerogative power of patents and monopolies employed as patronage was a deliberate policy of Burghley's and only intensified under James.<sup>206</sup> It was central to the Jacobean patronage culture. James was plain with the Commons about his position on these two issues (as reported by Cranfield): 'He willed me to shew you that we should not aim at patents but the abuses of them. For he conceived that a grievance to ten or twelve was not a public grievance, for if it were, he should not be able to reward his servants.'<sup>207</sup>

This is not to imply that James was unsympathetic to abuses. His own acts for their remedy is the best evidence that he was opposed to legislation. One day after the monopolies

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<sup>199</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 79.

<sup>200</sup>Russell recognized the act as a "statutory invasion of the royal prerogative", but maintained it had James' sanction. Russell, Parliaments, 110.

<sup>201</sup>Samuel Rawson Gardiner (ed.), Notes of the Debates in the House of Lords 1621 (London, 1870), 151; Zaller, Parliament 1621, 126-130.

<sup>202</sup>Gardiner (ed.), Lords 1621, 151.

<sup>203</sup>Sommerville, Politics and Ideology, 93-95, 100-105, and 155-156. Recall the numerous precedents cited by Coke early in the debates. Notestein, Relf, Simpson (eds.), Debates 1621, IV, 79-81. Zaller, Parliament 1621, 127-128 has argued Coke rejected them because they had never challenged the legal basis of grants. Also Sacks, 'Countervailing benefits', 274-277.

<sup>204</sup>Gardiner (ed.), Lords 1621, 152.

<sup>205</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 197 (26 March) and Zaller, Parliament 1621, 128-129.

<sup>206</sup>Adams, 'patronage', 38-41.

<sup>207</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 318 (24 April).

bill was engrossed, James commanded a proclamation be drawn repealing the patents of inns, alehouses, and thread.<sup>208</sup> Yet he almost precipitated a rupture when he asked the 10 March conference be postponed lest the subsidy bill be neglected; the Commons retorted they would work late and accomplish both.<sup>209</sup> The Commons toiled over patents, but 'Baron-Tell-Clock' wanted them to move on now that exemplary punishment had been effected: 'I knowe yow have a greate number of Pattent presented to yow. I advise yow to stand upon those That are of most importance, That when yow resort to me with your Greivances They may consist more in Weight then in Number And that the very name of Pattent does not become a Grievance.'<sup>210</sup> Good laws should take their attention.<sup>211</sup> The same sentiments greeted the Commons when they returned from Easter recess.<sup>212</sup> Subtle intimidation was also being aimed at the monopolies bill, which had yet to reach the Lords. He warned them against passing a law the Lords would reject.<sup>213</sup> This spurred members to a reconciliation conference with the Lords for the informers bill and a preventative agreement on the monopolies bill.<sup>214</sup> As May arrived, James warned the time for recess approached.<sup>215</sup> The monopolies bill received a final reading and was sent to the Lords.<sup>216</sup> Edwin Sandys found it had been tampered with, two clauses were appended; that it should lapse at the start of the next parliament and it could be voided by a non obstante.<sup>217</sup> The bill suffered a lingering death there.<sup>218</sup> It did not fail in 1621 despite James. It was a measure the king could not allow to pass. James' accession proclamation suspending Elizabethan patents heralded his stance eighteen years later: 'Reserving to our selfe the Right justly appertaining to our Prerogative,

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<sup>208</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 202-203 (27 March) and Larkin and Hughes (eds.), Proclamations: James I, 503-505 (30 March, 1621). The bill was engrossed on 26 March. Zaller, Parliament 1621, 129.

<sup>209</sup>Notestein, Relf, Simpson (eds.), Debates 1621, VI, 52 (19 March) and Debates 1621, II, 205 (10 March).

<sup>210</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 209 (27 March). The expression was James' own: 'My office shall be to be Baron-Tell-Clock.' Notestein, Relf, Simpson (eds.), Debates 1621, II, 304 (20 April).

<sup>211</sup>Notestein, Relf, Simpson (eds.), Debates 1621, IV, 209.

<sup>212</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 304-306.

<sup>213</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 305-307. The informers bill was James' case in point.

<sup>214</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 324 (26 April).

<sup>215</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 343 (4 May). The Commons were not happy about the spectre of a recess. See Russell, Parliaments, 118-122.

<sup>216</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 360 (12 May).

<sup>217</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 354 (8 May); Zaller, Parliament 1621, 129.

<sup>218</sup>The bill's fate wasn't decided until December when the Lords rejected it in voting. Zaller, Parliament 1621, 129-130.



for that we would not have it conceived, that in doing these things out of our Grace, we doe intend to renounce those ancient dueties and Priviledges'.<sup>219</sup> The purveyance bill of 1606 and impositions bill of 1610 were the precursors.<sup>220</sup> In all these cases, James refused to allow the prerogative to be circumscribed or lose the practical benefits the power provided.

James was true to his principles. As he acted decisively in 1606 and 1610 to (imperfectly) remove nagging abuses, so he dealt with the most grievous patents himself. He suspended the big three patents by proclamation.<sup>221</sup> Two weeks into the summer recess, fifteen patents were publicly condemned in Star Chamber.<sup>222</sup> These included patents which had been found 'matters of prerogative not fitt to be put into the dispensing of a subject.'<sup>223</sup> Among patents to be examined by the council were all 'proclamations for private endes.'<sup>224</sup> The judges and council were to evaluate whether proclamations were appropriate means to contend with problems of bullion, export of iron ordnance, wool, and fuller's earth, out-port commerce, informers, writs of certiorari, and supersedeas.<sup>225</sup> Finally, all 'other patents graunted by his Maj[est]y to be reviewed by his Ll[ord]s to consider the natures of them and if unfitt to call for the patentees, and they to surrender them ... If doubtfull that they be left to ye triall of Lawe.'<sup>226</sup> These judgements were buttressed by a proclamation on 10 July, touching matters 'of that quality and condition, as His Majestie needes no assistance of Parliament for reforming the same, and would have reformed them before the Parliament, if the true state of His Subjects greivances had beene then made knowne unto him.'<sup>227</sup> James was all too well aware of these grievances before the session, but he had managed to act despite parliament and gave himself the basis from which to assert his own vigilance over the

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<sup>219</sup>Larkin and Hughes (eds.), *Proclamations: James I*, 14 (7 May, 1603).

<sup>220</sup>Below, 168-178.

<sup>221</sup>Larkin and Hughes (eds.), *Proclamations: James I*, 503-505.

<sup>222</sup>PRO SP 14/121/124, fol. 232r (23 June, 1621).

<sup>223</sup>They were inns, alehouses, lotteries, gold and silver thread, gold foliate, licensing of peddlers, the statute of apprentices, general patents for concealed lands, tolls, and tithes, power to erect parks and warrens, patents for leets, markets, and fairs, Chancery fees, engrossing wills, and the sole dressing of common arms. PRO SP 14/121/124, fol. 232r (23 June, 1621).

<sup>224</sup>The others were lobsters and salmon, lampreys, lists and shreds, Lepton's patent, and the lighthouses at Winterton and Dungeness, and glassmaking. PRO SP 14/121/123, fol. 231r (23 June, 1621).

<sup>225</sup>PRO SP 14/121/124, fol. 232v.

<sup>226</sup>PRO SP 14/121/123, fol. 231v.

<sup>227</sup>Larkin and Hughes (eds.), *Proclamations: James I*, 512.

necessity of legislation had the session's abrupt collapse not made it a mute point.<sup>228</sup> In so doing, he preserved and renewed the settlement enshrined in Elizabeth's Golden Speech.<sup>229</sup>

The Elizabethan formula did not satisfy members in 1621, perhaps because some of them were refighting the same battle twenty years later.<sup>230</sup> Their discontent is obvious from the continued searching after patents despite James' summer redress.<sup>231</sup> The bill's defeat in 1621 was only a setback. The act was revived immediately in 1624 and skilfully guided to passage in both houses.<sup>232</sup> Political circumstances compelled James to give his assent.<sup>233</sup> Coke's common-law language and adjudication remained in the final act.<sup>234</sup> But vital exemptions defeated the sought-for control of projects. Monopolies of inventions and new manufactures were permitted. Gold and silver thread reminds us that determinations of 'new' were hardly clear-cut and held their own sort of inventiveness. Crucially, new offices and corporations were exempted. Projectors, undertakers, and patentees became office-holders; their projects and patents, corporations.<sup>235</sup> Projects carried straight through from the monopolies statute into Charles I's first parliament and beyond.<sup>236</sup> The statute also attempted to put an end to the relationships between projects, proclamations, and Star Chamber for private gain, but their grievous partnership was reinvigorated when James' definition of the commonweal and necessity gave way to his son's.<sup>237</sup>

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<sup>228</sup>This very argument was advanced by Lord Keeper Williams when he wanted the Commons to turn their attention to a subsidy in November. Notestein, Relf, Simpson (eds.), Debates 1621, III, 416, Debates 1621, IV, 424 (both 21 November). On the session's end, Russell, Parliaments, 132-144.

<sup>229</sup>Sacks, 'Countervailing benefits', 277-282; Dean, Parliament 1584-1601, 90-92.

<sup>230</sup>Foster, 'Patents', 60, 63, and 77; Dean, Parliament 1584-1601, 90-92.

<sup>231</sup>Russell, Parliaments, 122-125 and 132-133.

<sup>232</sup>Russell, Parliaments, 156 and 190-192.

<sup>233</sup>Russell, Parliaments, 115-116; Cogswell, Blessed Revolution, 246-261.

<sup>234</sup>Price, Monopoly, 135-139.

<sup>235</sup>Sharpe, Personal Rule, 257 and Russell, Parliaments, 115-116.

<sup>236</sup>Peck, Court Patronage, 138-139; Ronald G. Asch, 'The Revival of Monopolies: Court and Patronage during the Personal Rule of Charles I, 1629-1640', Ronald G. Asch and Adolf M. Birke (eds.), Princes, Patronage, and the Nobility: The Court at the Beginning of the Modern Age c. 1450-1540 (Oxford, 1991) for a slightly different perspective.

<sup>237</sup>PRO SP 16/44/1, fol. 1r-2v; BL Additional Ms 69909, fol. 40r-41v, 42r-43v, 48r-49v, 50r-53v; OBL Banks Ms 5, 6, 9, 11, 12, 15, 37, 38, 39, 40, 41; T 56/2; James F. Larkin (ed.), Stuart Royal Proclamations Volume II Royal Proclamations of King Charles I 1625-1646 (Oxford, 1983), [nos.] 6, 63, 66, 73, 144, 173, 179, 184, 195, 257, 282, 291 (tobacco); 7 (alum); 9 (buildings); 15, 213 (farthing tokens); 50 (fee-farming); 53 (benevolence); 55 (forced loan); 75 (compounding with holders of new offices); 117, 278 (starch); 118, 166 (French wines); 129 (iron wire); 130 (defective titles); 135 (distrainment of knighthood); 136 (London buildings); 138, 277 (silk dyeing); 147, 220 (fishing); 149 (sealing armour and weaponry); 161, 176, 186, 250, 273 (soap); 174, 279 (tin); 206 (glass); 239 (playing cards and dice); 240 (maulsters); 247 (wine casks); 248 (artificers); 256 (iron works);

These were the consequence of a state whose fiscal apparatus and administration were weak and a liberal king existing in a demanding culture of patronage. The monopolies bill attacked the symptoms and ignored the disease itself, the imbalance within the Jacobean polity between the consumptive interests of the patronage culture and the fiscal requirements of the state in discharging the responsibilities of governance. Finding the proper equilibrium between patronage and governance was the essential challenge of fiscal policy. The ensuing chapters will analyze the attempts of James' ministers to craft policy to that end.

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263, 293 (beaver hats); 268 (Latin wire); 271 (assizing bread); 311 (ship-money). Also Asch, 'Monopolies', 364-366.

## II

### FISCAL POLICY IN THE JACOBEOAN POLITY



## CHAPTER 5

# Salisbury, Caesar, and Fiscal Refoundation (1603-1610)

### I

James' reign was one long unsuccessful experiment in fiscal alchemy, many failed attempts to transform a multifarious blend of revenues into lasting supports and balance the requirements of patronage and governance. Between 1603-1609, Dorset, Caesar, and Salisbury were preoccupied with endowment, establishing new permanent revenues. Those years represent a quest, as the council wrote James, 'to establish some certainty of receipts proportionable to your ordinary issues and to lay some good foundation for supply of such extraordinary charges and future liberality as are necessary for so great a monarch.'<sup>1</sup> Salisbury's first year as lord treasurer was formative, convincing him that only fundamental restructuring of the crown finances could possibly cure the consumption of James' estate.<sup>2</sup> With Caesar's assistance, Salisbury developed the most ambitious and thoroughgoing project for fiscal refoundation ever attempted. Salisbury's spectacular failure in 1610 closed off significant reform for fifty years and revealed faultlines which ensured finance was a chronic source of political conflict for half a century. This chapter will examine the projects and policies for endowment through 1609, Salisbury's conception of a refounded monarchy, the

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<sup>1</sup> Croft (ed.), 'Several Speeches', 277.

<sup>2</sup> Varying interpretations of Salisbury's life and career are represented in Algernon Cecil, *A Life of Robert Cecil: First Earl of Salisbury* (London, 1915); Willson, *James VI and I*; P. M. Handover, *The Second Cecil: The Rise to Power 1563-1604 of Sir Robert Cecil, later first Earl of Salisbury* (London, 1959); G. P. V. Akrigg, *Jacobean Pageant* (Cambridge, MA, 1962), 85-112; Prestwich, *Cranfield*, 1-48; Thomas M. Coakley, 'Robert Cecil in Power: Elizabethan Politics in Two Reigns', Howard S. Reinmuth (ed.), *Early Stuart Studies: Essays in Honor of David Harris Willson* (Minneapolis, 1970), 64-94; Hurstfield, *Freedom, Corruption*; Lawrence Stone, *Family and Fortune: Studies in Aristocratic Finance in the Sixteenth and Seventeenth Centuries* (Oxford, 1973), 3-114; Peck, *Northampton*; Alan G. R. Smith, 'Crown, Parliament and Finance: The Great Contract of 1610', Peter Clark, Alan G. R. Smith, and Nicholas Tyacke (eds.), *The English Commonwealth 1547-1640: Essays in Politics and Society Presented to Joel Hurstfield* (Leicester, 1979), 111-127; Eric Lindquist, 'The Failure of the Great Contract', *Journal of Modern History* 57 (1985), 617-651 and his 'The Last Years of the First Earl of Salisbury, 1610-1612', *Albion* 18 (1986), 23-41; Croft, 'Several Speeches'; Cuddy, 'entourage', 173-225; Alan Haynes, *Robert Cecil 1st Earl of Salisbury: Servant of Two Sovereigns* (London, 1989); Croft, 'Jacobean court', 134-147 and her 'The Reputation of Robert Cecil: Libels, Political Opinion and Popular Awareness in the early Seventeenth Century', *Transactions of the Royal Historical Society* 6.1 (1991), 43-69; Cuddy, 'Southampton', 121-150; Hammer, 'Patronage', 65-86; Natalie Mears, 'Regnum Cecilianum? A Cecilian perspective of the Court', Guy, *Elizabeth I*, 45-64. Pauline Croft's forthcoming study of Cecil's career is eagerly anticipated.

failure of its crucial parliamentary component in the sessions of 1610, and the conflicts of political principle and practice which made refoundation a non-starter for decades afterward.

## II

The period of endowment can be divided into two stages. Until August 1607, endowment was pursued along complementary lines of parliamentary revenue and the exploitation of the king's own through projects. Following the failure of Union, parliamentary endowment became politically impossible and projects, by default, became the best hope. The 'Christmas' of bounty and expenditure that was James' first year is a story which hardly needs retelling, but the scale of demands produced consternation.<sup>3</sup> Within some months of the accession, Dorset forwarded a list of proposed retrenchments to Cecil.<sup>4</sup> Military expenditure was targeted for reduction with the prospect of a Spanish peace while hopes grew that the running sore of Ireland could be reduced from £115,979.<sup>5</sup> The household stood at the head of Dorset's list; at £93,000 it was more than double the late queen's while Anna's court had yet to be established. Early attempts at household reform utterly failed and must have been instructive for Cecil, who developed no taste for the financial minutiae or political confrontation involved. He later told James that if household expense could be borne 'it were better to leave that charge unspoken of, than by labouring to retrench it, to give a greater cause for clamour than all the profit can be worth'.<sup>6</sup> The situation gave sudden urgency to endowment.

A spectrum of interests found their parliamentary voices in 1604. James was preoccupied with Union, a project which parliament and his English ministers found unappealing, Cecil included.<sup>7</sup> The Commons in particular looked to the new king's first parliament to fulfil their hopes for commonwealth reform.<sup>8</sup> Fiscal grievances loomed large with monopolies, purveyance, debts, sales of crown lands, and wardship. Cecil looked to

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<sup>3</sup>Willson, *James VI and I*, 159-196; Akrigg, *Jacobean Pageant*, 15-33.

<sup>4</sup>PRO SP 14/2/45, fol. 120r-121v (13 July, 1603)

<sup>5</sup>PRO SP 14/5/53, fol. 125r-125v ([1603]).

<sup>6</sup>Croft (ed.), 'Several Speeches', 286; Pauline Croft, 'Parliament, Purveyance, and the city of London 1589-1608', *Parliamentary History* 4 (1985), 12-13.

<sup>7</sup>R. C. Munden, 'James I and 'the growth of mutual distrust': King, Commons, and Reform, 1603-1604', Kevin Sharpe (ed.), *Faction and Parliament: Essays on Early Stuart History* (Oxford, 1978), 62-66 and 71; Cuddy, 'Southampton', 126-127.

<sup>8</sup>PRO SP 14/1/68, fol. 127r-132v; Munden, 'Reform', 43-62.

exploit these projects to further endowment.<sup>9</sup> Purveyance (the king's prerogative right to victual the household at below market prices) and wardship of heirs derived from James' feudal overlordship came to dominate the session's work on endowment. Cecil offered a wardship project originally muted in 1598 at Burghley's death: abolition of the court 'in return for a fixed annual payment to the Crown'.<sup>10</sup> The Commons embraced the project, but Cecil precipitously abandoned it after examining defensive reform proposals proffered by the court of wards' own officers.<sup>11</sup> Cecil feared the political fallout of being opposed by his own subordinates in pressing a scheme for which neither his conciliar colleagues nor royal master had much enthusiasm.<sup>12</sup> Despite offers of perpetual compensation with a surplus, Cecil doubted whether parliament would offer enough.<sup>13</sup> Further, the master found renewed fondness for his own reform which allowed 'tenants-in-chief to buy out the wardship of their heirs during their lifetimes' rather than leaving the childrens' disposition to the court.<sup>14</sup> Robert Wroth proposed a bill to this effect which might prove fiscally advantageous to composition.<sup>15</sup> Faced with reform or elimination of wardship after 1604, Cecil never again demonstrated a preference for its abolition.<sup>16</sup>

Purveyance occasioned some of the bitterest speeches in the whole of James' first parliament. Members decried the abuses and corruption of purveyors: impressment of carts, open purveyance warrants, and excessive quantities taken below market price without paying cash.<sup>17</sup> Numerous statutes already regulated purveyance, but the Commons believed--with good grounds--that they were deliberately ignored by the officers of the household, the Greencloth, and they demanded the officers answer for the abuses. James was sympathetic to the extent of punishing abusive purveyors, but attacks on his servants acting for the provision of his household were difficult to countenance. Effective attention was deferred until the

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<sup>9</sup>Pauline Croft, 'Wardship in the Parliament of 1604', *Parliamentary History* 2 (1983), 39-40; Cuddy, 'Southampton', 126-127.

<sup>10</sup>Croft, 'Wardship', 39-41.

<sup>11</sup>HH Salisbury Ms 105, fol. 81r-84v; Croft, 'Wardship', 41-44.

<sup>12</sup>Croft, 'Wardship', 44.

<sup>13</sup>HH Salisbury Ms 105, fol. 82r.

<sup>14</sup>HH Salisbury Ms 105, fol. 82r and Croft, 'Wardship', 42, 45; Salisbury Ms 101, fol. 164r-164v (20 October, 1603).

<sup>15</sup>Croft, 'Wardship', 45.

<sup>16</sup>Croft, 'Wardship', 46-47.

<sup>17</sup>Croft, 'Purveyance', 14-19.

1606 session. Cecil's first attempts at endowment were abject failures. He turned against the Common's much-preferred composition for wardship, while members held the legal high-ground in refusing to compound with him for the unlawful practices of purveyors and the Greencloth.

Parliamentary failure brought home fiscal realities. Privy seals met some immediate demands, but Cecil, Dorset, and the council turned to projects in 1605.<sup>18</sup> So abject was the situation by summer that the embarrassment of 'emptie coffers' figured prominently in the reasons for a second prorogation of parliament.<sup>19</sup> Salisbury and his colleagues presented the situation to James with the authoritative stamp of a council memorandum.<sup>20</sup> They praised James' resolution to stay his expenses and welcomed his support for projects, but the only hope for such a course was that projects not become the 'common pasture for all that are in need, or have unreasonable desires.'<sup>21</sup> Reservations about projectors were forceful: 'it falleth that every private and needy person that hath wit to discern the scope of the [project] commissions finds either some pretext or other to draw benefit from your Majesty'. The patronage culture and private gain must give way before James' necessities.<sup>22</sup> The emphasis on projects and retrenchment reveals uncertainty about parliamentary endowment. James' councillors were clearly struggling toward a settled program for their fiscal realities and the place that parliamentary revenue, if any, would play in it.

The agenda Salisbury laid out for the 1606 session left no doubt that uncertainty was going to be confronted: Union, a renewed effort at endowment by composition for purveyance, and a traditional vote of supply.<sup>23</sup> Salisbury would not flatter his colleagues

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<sup>18</sup>HH Salisbury Ms 106, fol. 14r-14v (22 July, 1604); BL Lansdowne Ms 164, fol. 516r-516v (August, 1604). The projects included compositions for supplying the king's house with wood, arrearages of recusants' lands, entailed lands, defective titles, assarts, and 'leases of exchequer and duchy lands'. Croft (ed.), 'Several Speeches', 274-275 and Salisbury Ms 190, fol. 111r (29 June, [1605]).

<sup>19</sup>HH Salisbury Ms 111, fol. 142r-142v (30 July, 1605); Larkin and Hughes (eds.), Proclamations: James I, 117-118 (28 July, 1605).

<sup>20</sup>Croft (ed.), 'Several Speeches', 273-278 [16 July, 1605]. Interestingly, the compiler titled it a 'letter written by the lords of the Council to the King ... Touching means to advance the king's revenues by unusual means so as the king will take the act upon himself and be their protection.' Croft (ed.), 'Several Speeches', 273 [emphasis mine].

<sup>21</sup>Croft (ed.), 'Several Speeches', 274-276.

<sup>22</sup>Croft (ed.), 'Several Speeches', 277-278.

<sup>23</sup>HH Salisbury Ms 189, fol. 100r-103v (Salisbury to the privy council; 7 October, [1605]). The dating of this document can be found in Croft, 'Purveyance', 33n.19.



with protestations that James' promises to prosecute abusive purveyors had been anything 'but shadowes and colors w[i]thout substance'. Purveyance and projects were fiscal necessities and, while he had concerns about their irritating nature, Salisbury was not above seeing political ends in their unpopularity. He possessed a high-handed streak which believed that unpleasant, albeit legal, prerogative exactions should serve as an inducement to supply the king and thereby remove the circumstances which necessitated them. However, the ongoing abuses of purveyance only drove leading members of the Commons in 1606 to ignore composition and devote their energies to its legal dimensions. John Hare's bill mandated enforcement of existing statutes that would have destroyed its profitability.<sup>24</sup> But James possessed the benefit *de facto* and his necessities made composition the only acceptable course. Hare's bill was passed to further an increase in the subsidy bill, but Commons and Lords could not reconcile their positions and James offered a proclamation addressing some abuses.<sup>25</sup> Undeterred, members added purveyance to their grievances and James tetchily answered that he would punish the Greencloth when warranted.<sup>26</sup> Salisbury's plan for purveyance collapsed over the clash of legal principle and fiscal necessity, a fundamental conflict which would be revisited in 1610.

The fiscal success in 1606 was securing normal parliamentary supply.<sup>27</sup> In seeking supply, Salisbury played upon perceptions of internal threat after the Gunpowder Plot, gratitude for deliverance from the plotters, and desires for meaningful secular reform (projects and purveyance).<sup>28</sup> With a thorough rendering of James' estate and pretenses of fiscal restraint, Salisbury built a consensus for supply.<sup>29</sup> The Commons speedily and with goodwill agreed on two subsidies and four fifteenths.<sup>30</sup> Expressions of affection for James' and gratitude at his preservation conjoined with watchful preparedness to carry debate. Salisbury had astutely assessed the moment. James responded with fulsome thanks and

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<sup>24</sup>Croft, 'Purveyance', 23-25

<sup>25</sup>Croft, 'Purveyance', 27-31; Larkin and Hughes (eds.), Proclamations: James I, 137-142 (23 April, 1606).

<sup>26</sup>Croft, 'Purveyance', 30-31.

<sup>27</sup>Willson (ed.), Bowyer 1606-1607, 1-184; supplemented for both houses by Commons Journal, I, 256-314 and Lords Journal, II, 355-448.

<sup>28</sup>Munden, 'Reform', 58.

<sup>29</sup>Also Cuddy, 'Southampton', 130-131.

<sup>30</sup>Commons Journal, I, 266.

offered tangible appreciation.<sup>31</sup> He approved desires to settle with purveyors and asked members to confer with the Lords 'both to understande the kings occasions, [and] to declare to their Lordships the greavances of the people.' The connection between supply and James' willingness to entertain grievances could not have been lost.

Dorset expounded on James' necessities in conference, rehearsing his debts (£734,000) and the costs of an expanded royal establishment.<sup>32</sup> Dorset's report of alienated revenues completed the crown's case for endowment and additional supply. The Commons spent the following weeks debating whether to legislate against purveyance or compound to buy out the prerogative right altogether.<sup>33</sup> Against the preference of James and Salisbury they resolved to legislate, but then returned to grievances and supply.<sup>34</sup> Despite genuine concern over James' debts and an explicit *quid-pro-quo* offered by Secretary Herbert, discordant voices emerged against augmenting the former grant.<sup>35</sup> One member argued 'whereas it is moved wee should fill the kings Coffers ... if the bottomes be out then can they not be filled' while Edwin Sandys didn't wish to see their generosity tainted with a 'heavy or unpleaseing' addition.<sup>36</sup> James settled the issue by offering to receive the Commons' grievances personally, though he expected moderation in their collection and discussion, and requested an answer on augmentation.<sup>37</sup> The House voted 140-139 in favour; a margin of 26 agreeing it should be by subsidy; and scant dissent on another subsidy and two fifteenths.<sup>38</sup> James and Salisbury had preserved consensus with words and deeds that seemed to promise satisfactory attention to purveyance and grievances.<sup>39</sup>

James' outward interest in grievances dissipated after augmentation and the purveyance bill never passed the Lords. Francis Bacon reported James' answer that he would remedy legal grievances with the judges, matters of state with his councillors, and

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<sup>31</sup>Willson (ed.), Bowyer 1606-1607, 32.

<sup>32</sup>Willson (ed.), Bowyer 1606-1607, 42-45, 371-375.

<sup>33</sup>Croft, 'Purveyance', 9-34.

<sup>34</sup>Croft, 'Purveyance', 23-25.

<sup>35</sup>Willson (ed.), Bowyer 1606-1607, 67.

<sup>36</sup>Willson (ed.), Bowyer 1606-1607, 77-81.

<sup>37</sup>Willson (ed.), Bowyer 1606-1607, 83-84, 153-154.

<sup>38</sup>Willson (ed.), Bowyer 1606-1607, 84-85.

<sup>39</sup>Croft, 'Purveyance', 28.

commercial complaints with merchants.<sup>40</sup> Yet James prefaced his resolution with words far more revealing: 'The next challenge was by way of question, namely, whether these Grievances were not Grievances of former tymes, and yet then we found no fault, but commended the Gouvernment'.<sup>41</sup> According to the Venetian ambassador, James 'listened, but in an elegant discourse he deferred all consideration of the points raised to a future Session. The members complain that, after granting subsidies, they have obtained nothing ... and the populace make this shrewd remark, 'Three subsidies, much evil, no redress.'"<sup>42</sup> James would take counsel from parliament in the manner he defined while parliamentary second-thoughts were too late as the subsidy bill was delivered to the Lords by the entire Commons membership before James' answers were heard.<sup>43</sup> The grievances received ineffective attention and not only recurred but were used by Salisbury in the Great Contract as points of ease, testimony to the hollowness of James' promises. The Commons were had and 1610 witnessed a determination that it would not happen again.

James' councillors had their answer on parliamentary endowment and the breakdown of Union in the following session was a turning point. Finance took the political center-seat. More significantly, recourse to parliamentary revenue became an almost impossible sell: James' bitter rants against the 'house of hell' in 1610 were not born solely of events that year.<sup>44</sup> The rejection of Union contributed significantly to his subsequent anti-parliamentary disposition.<sup>45</sup> Lingering resentment also coloured James' personal relationships with his English ministers.<sup>46</sup> Salisbury particularly had demonstrated a shocking level of ineffectiveness as a parliamentary manager. He, Caesar, and Dorset were charged with curing the king's fiscal consumption in August 1607 for which it was anticipated projects would serve the turns of endowment and retrenchment. James hoped to see the breaches of his estate made up that way.<sup>47</sup> Caesar concurred, reckoning that parliamentary ill-will

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<sup>40</sup>Willson (ed.), Bowyer 1606-1607, 158-164.

<sup>41</sup>Willson (ed.), Bowyer 1606-1607, 166.

<sup>42</sup>CSP Venetian 1603-1607 (London, 1900), 353.

<sup>43</sup>Commons Journal, I, 309; Willson (ed.), Bowyer 1606-1607, 164.

<sup>44</sup>PRO SP 14/58/26, fol. 61r (21 November, 1610); HH Salisbury Ms 128, fol. 168r-169v (3 December, 1610).

<sup>45</sup>Cuddy, 'Union', 112-116.

<sup>46</sup>Cuddy, 'Southampton', 132-133.

<sup>47</sup>HH Salisbury Ms 134, fol. 113r-114v ([19 October, 1607]).

promised an 'unfortunate' outcome for new attempts at supply.<sup>48</sup> Parliamentary endowment was off the agenda.

### III

New impositions and improved customs emerged as the most significant projects for endowment. James pledged, among other things in October 1607, to curb his own expenditures and ordered his ministers to cost all suits before forwarding them.<sup>49</sup> They were to observe particular care with those involving customs farms and their renewal because, he wrote, 'ye knowe hou greatlie that concernis my profite & that that is almoste the onlie sure hoape that is left for increase of my rente'. Seventeen years later James confronted the hawkish parliament of 1624 with the fiscal dangers of wartime commercial interruption: 'customs are the best p[ar]te of my revenewe, and in effect the substance of all I have to live on'.<sup>50</sup> James' reckoning in 1607 was that customs were the last, best hope of a permanent increase in his revenues. By the close of his reign, those expectations had become reality. To be sure, James' predecessors exploited customs revenue and reaped fiscal rewards, but it is unimaginable that they or their treasurers would have been heard to utter James' categorical statement of principle.<sup>51</sup> As significant, James did not mention crown lands. The king and his ministers were not simply taking advantage of expanding peace-time trade, riding an abstract economic wave to the triumph of commercial over landed revenues. They did not by accident reap nearly £40,000 in extraordinary customs revenues in 1620 and just £544 from the crown lands.<sup>52</sup> Crown revenues were deliberately reshaped with customs at the center in these years.

The currant impost fired Dorset's mind with visions of new revenues as early as September 1605.<sup>53</sup> Refusals to pay the impost were couched in terms of illegality and Suffolk's deputy-farmers wanted action which would 'not only free this doubt upon this particular of the imposition on corinths: but upon all impositions of like nature, set upon other

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<sup>48</sup>BL Additional Ms 10038, fol. 308r-308v.

<sup>49</sup>HH Salisbury Ms 134, fol. 113r-114v.

<sup>50</sup>PRO SP 14/160/62, fol. 100v.

<sup>51</sup>Gunn, *Tudor Government*, 122-124; Dietz, *Public Finance*, 44 and 305-327.

<sup>52</sup>PRO SP 14/116/121, fol. 172r (29 September, 1620).

<sup>53</sup>Croft, 'Bate's Case', 525-526.



commodities without act of parliament.<sup>54</sup> Similar questions were raised by the tobacco impost.<sup>55</sup> Neither issue came to a head, but refusals on grounds of legality had serious implications for impositions outside statutory approval. Currants were mixed up in negotiations to charter a new Levant company.<sup>56</sup> Dorset and Salisbury had an agenda in the talks concerning the standing of extra-parliamentary impositions: 'If this trade of Turkey were settled, it would be most profitable for the crown and commonwealth, **for then all the imposition of currants and consequently all other impositions were settled for ever.**'<sup>57</sup> Their utility had been carefully thought out. Currants and tobacco were part of the larger realignment of finance which included the revised book of rates and the farm of the great customs; all proceeding apace at the end of 1604.

The Levant charter was agreed in October 1605 with assent to the currants.<sup>58</sup> However, questions of trade and commerce were fertile political ground.<sup>59</sup> Jealousies aroused by 'monopolistic' trading companies and 'animosity against the customs-farmers' were among the forces at work which spurred John Bate to defy the impost even after the new charter.<sup>60</sup> Bate could not be ignored and the result was his celebrated Exchequer case in July 1606. It was the perfect opportunity to settle the legal issues.<sup>61</sup> In Dorset's giddy estimation, the crown's arguments were 'so plain & so full of streunth & his consumacon so waighly & effectuall so as his Ma[jes]tie may rest assured that the iudgement by the Barons wilbe clere & certain on his side not only to please his Ma[jes]tie but even to please god him self for in their consceins the law standeth for the king'.<sup>62</sup> According to Croft, Salisbury wanted a verdict 'stated as briefly as possible to avoid further controversy', but the Exchequer barons and Dorset appreciated Salisbury's characteristic curttness and certitude were inappropriate.<sup>63</sup> In a 'caus of so grete importans' and certain the merchants would contest the

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<sup>54</sup>Quoted in Croft, 'Bate's Case', 531.

<sup>55</sup>Croft, 'Bate's Case', 531.

<sup>56</sup>Croft, 'Bate's Case', 528-530.

<sup>57</sup>Quoted with emphasis in Croft, 'Bate's Case', 530.

<sup>58</sup>Croft, 'Bate's Case', 532.

<sup>59</sup>Clay, *Economic Expansion*, II, 117-118 and 198-199.

<sup>60</sup>Croft, 'Bate's Case', 533-536.

<sup>61</sup>Pauline Croft argues Dorset and Salisbury hoped it would have happened with the disputes over the tobacco impost in 1604; that case settled outside the Exchequer however. Croft, 'Bate's Case', 531.

<sup>62</sup>HH Salisbury Ms 118, fol. 144r-144v.

<sup>63</sup>Croft, 'Bate's Case', 536.

judgment, the Barons were adamant they 'argue it & so to giwe reasons of their iudgement'.<sup>64</sup> That done and reported 'it wilbe forever settled and an assured foundacon for the K[ings] imposicons forever.' The decision was a long time in coming for Dorset and Salisbury and the immediate exploitation of the favourable judgment further waited upon possible legal challenges.<sup>65</sup> It wasn't until Salisbury's treasurership that they were exploited in earnest.

The replacement of the crown estates by commercial revenues is confirmed in Caesar's analysis of the Great Contract. 'I am not ignorant that they bee the surest & best livelyhood of the crowne,' Caesar wrote of the estates, 'and that the realme is then most happie when they be so great as that by them the kings state and honor maie bee maynteyned & his expences bothe ordinarie and extraordinarie sufficientlie defraied.'<sup>66</sup> This preface was answered with irony: 'But this maie be wished and hoped for.' Practice offered a different reality and Caesar turned the tables on Sir John Fortescue's endowed crown, putting the estates into their Jacobean perspective: 'Neither shall wee fynde yt[that] ever king of England lyved merely uppon his land revenews; but partlie uppon them, p[ar]tlie uppon his customes and imposicons or taxes, & p[ar]tly uppon subsidies, ffifteenths, tenths, benevolences, and the like given him by his people.'<sup>67</sup> Dorset's and Salisbury's experiences had stopped them thinking of the estates as anything but one element in a larger mixture and they consciously advanced customs to primacy.<sup>68</sup>

The subsidies voted in 1606 were inadequate to supply James' necessities before a shilling was every collected.<sup>69</sup> Caesar made his first great examination of the accounts that September and within a week Caesar was praying for a chaste-minded Joseph to deliver them from it.<sup>70</sup> The next day, Dorset gathered some two dozen projects, the first such compilation of the reign.<sup>71</sup> This and similar documents composed by Caesar are our touchstones with

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<sup>64</sup>HH Salisbury Ms 118, fol. 144v.

<sup>65</sup>Croft, 'Bate's Case', 536.

<sup>66</sup>BL Lansdowne Ms 151, fol. 130v.

<sup>67</sup>BL Lansdowne Ms 151, fol. 130v.

<sup>68</sup>Policies of Charles I and Archbishop Laud toward cathedral lands, a true endowment, resisted many Jacobean and Caroline policies employed on the crown's own estates and are an interesting counterpoint. Stanford E. Lehmberg, *Cathedrals Under Siege: Cathedrals in English Society, 1600-1700* (Exeter, 1996), 146-150.

<sup>69</sup>Willson (ed.), *Bowyer 1606-1607*, 43-44, 82-85; PRO SP 14/52/6, fol. 6r-6Av (8 January, 1610).

<sup>70</sup>BL Additional Ms 10038, fol. 301r-305v (18 September, 1606); BL Lansdowne Ms 164, fol. 419r-419v (23 September, 1606).

<sup>71</sup>BL Additional Ms 10038, fol. 314r-315v (24 September, 1606).

what might be regarded as the salad days of projects between 1606-1609. After examining the documents, it is impossible to be unimpressed with the labours put into projects by Dorset, Caesar, and Salisbury in these years. Dorset's 'meanes to increase yerely revenue and to rais present monie' employed a taxonomy equivalent to endowment (yearly revenue) and ready cash (present money). He proposed farming management of the mint, the king's woods, and outlawries to ensure a certain revenue and shed the charges of direct administration. Endowment was expected from surrounded grounds, concealments brought to rent, fishing licences, allowing 'freholders in forests to sell their woods', issuing copper monies, answering ecclesiastical court fines in the Exchequer, fines on bonds in King's Bench, and installed debts. Permanent abatements in the cofferer, wardrobe, Navy, ordinance, works, the Star Chamber, liberates, and Ireland were seen as a means to 'increase' revenue available for other charges. Projects for ready money were clearing arrears of receivers general, enfranchising copyholds, leasing mortgaged lands, creations in the new order of knighthood, disposing of the Earl of Hertford's lands, and compositions for defective titles, assarts, lands entailed to the crown, and exemption from juries. From this sample, Dorset hoped to endow the crown and pay immediate demands.

Despite these projects, fiscal policy remained less a program than a series of shifts and starts between funding patronage and financing the necessities of government. By August 1607 it took little work on the parts of Salisbury, Northampton, Worcester, and Suffolk to convince James the time had come for something better.<sup>72</sup> Renewed efforts incorporated many of the previous year's projects as Dorset reviewed his earlier list.<sup>73</sup> Projects considered in the past year were added; of particular interest compounding for depopulations, fining new buildings in London, and licensing alehouses.<sup>74</sup> All of these seem to have been Salisbury's work: the alehouse project and offers to farm the fines were handled by him; depopulations and appropriate proclamations were managed in consultation with James during June and August; Salisbury corrected the draft proclamation against new

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<sup>72</sup>HH Salisbury Ms 193, fol. 137r (15 August, 1607).

<sup>73</sup>BL Additional Ms 10038, fol. 314r-315v.

<sup>74</sup>PRO SP 14/28/60, fol. 110r; BL Additional Ms 10038, fol. 309r-310v. Others added included sale of woods, compositions for alienations, project for glass making, impost on seacoals, and the starch patent. SP 14/28/60, fol. 110r.

buildings which began the process in February 1605 and reviewed the 1608 commission which followed a second proclamation in October 1607.<sup>75</sup> By the time of Dorset's death in April 1608, many of the projects were pending, under continuing scrutiny, or active.<sup>76</sup> Salisbury swept into office like a whirlwind.<sup>77</sup> Commissions for assarts, defective titles, concealed and entailed lands, depopulations, disorderly buildings, leasing recusants' lands and compositions for their goods seized, and drained Fen lands were quickly renewed.<sup>78</sup> Recovery of divers debts was pursued with particular vigour, holders of mortgaged lands were to compound for leases or forfeit their holdings, and old castles and houses were ordered surveyed with a view to repair or disposal.<sup>79</sup> Fishing licences, new knighthoods, and copper monies were put in suspension.

Salisbury concluded his first months as treasurer with his regular summer progress while Caesar spent the summer of 1608 as he did many, reviewing fiscal policy. During that time he drew up a curious list of Dorset's projects, giving new voice for copper monies and knighthoods, while present projects of mortgaged lands and, interestingly, old castles and houses found mention.<sup>80</sup> Caesar's purpose is uncertain, the abstract may have been for his own benefit, but probably represents work for Salisbury. It would be wrong to think that Salisbury, much as he gave leadership to fiscal policy before Dorset's death, did not require time to become fully versed in the details of his new position. Of the projects which saw Salisbury's attention in those months, five alone entailed endowment: leases of surrounded grounds, impositions, recusants, and abatements in pensions and diets; surveys underway held out **hope** of permanent increases by crown lands. Salisbury's initial flurry of activity met only the tasks of assuming formal control and paying James' pressing debts. The report of James' debt payments reads like a project list of those first months: the earl of Hertford's

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<sup>75</sup>Alehouses: PRO SP 14/12/99, fol. (February 1605); HH Salisbury Ms 195, fol. 80r-80v ([1608]).

Depopulations: Larkin and Hughes (ed.), *Proclamations: James I*, 152-154 (30 May, 1607), 154-158 (28 June, 1607), 161-163 (24 July, 1607); Salisbury Ms 122, fol. 53r-53v; Salisbury Ms 193, fol. 139r; Salisbury Ms 124, fol. 145r-146v. Buildings: Larkin and Hughes (ed.), *Proclamations: James I*, 171-175 (12 October 1607).

<sup>76</sup>The projects included depopulations, improvement of woods, recovery of drowned lands (surrounded grounds), sale of inheritance to entailed holdings, enfranchising copyholds, fines upon building in London, exemptions from juries, the Scottish mines, and impositions.

<sup>77</sup>BL Lansdowne Ms 168, fol. 303v (27 July, 1608; Caesar's journal).

<sup>78</sup>BL Lansdowne Ms 168, fol. 298r (Caesar's journal for 28 May, 1608).

<sup>79</sup>BL Lansdowne Ms 168, fol. 298r-305r.

<sup>80</sup>BL Lansdowne Ms 165, fol. 111r-112v (11 August, 1608).



lands, sale of woods, leasing mortgaged lands, defective titles, assarts, enfranchising copyholds, and old debts;<sup>81</sup> only the sale of land, Gogerthon's silver ore project, and the aid for Prince Henry were later initiatives.<sup>82</sup>

The long-term course of endowment under Salisbury had yet to be mapped. Caesar's summer project list represents the beginning of that process. Dorset's list of 1606, Caesar's of August 1608, and another of 'what p[ro]iects remaine yet unfruitfull' compiled by him in April 1609 were the core of his massive abstract of 105 'Newe Proiects', completed in August.<sup>83</sup> Among them old debts, new knighthoods, copper monies, recusants, old houses and castles, and licensing alehouses were all present either singly or under larger categories (recusants were within forfeitures by penal laws). Mortgaged lands and depopulations were judged to have reached their effective usefulness and ended their runs. Forty or more of the projects were original, but many were not without precedent. Caesar and Attorney-General Hobart were charged with examining the catalogue while James' councillors dispersed for the summer. Caesar fully reported to Salisbury at court of the long hours spent weeding them down.<sup>84</sup> The product of these labours was his melodramatically endorsed 'Breviate of my vacation care'.<sup>85</sup> Caesar's marginalia in the earlier catalogue would seem to reflect the process of vetting which produced this document.<sup>86</sup> Projects were evaluated by two marks, some combination of plusses and minuses, or left blank. These probably reflect each man's opinion. Six projects aside, only those with two plusses found their way into the breviate's forty. If this is the case, then the breviate was fashioned from at least two rounds of evaluations; some twenty other projects originally approved had their plusses circled and the entries crossed through by Caesar (in uniformity).

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<sup>81</sup>PRO SP 14/52/6, fol. 6Ar (8 January, 1610). The debt was £1,465,000; £282,699 of it was paid by these projects.

<sup>82</sup>PRO SP 14/52/6, fol. 6Ar. These accounted for £431,186 of the debt. The subsidies of 1606 met £453,000 more and the debt was put at £160,000 (the outstanding loans on privy seals of Elizabeth excluded).

<sup>83</sup>The manuscripts are BL Additional Ms 10038, fol. 314r-315v (24 September 1606); BL Lansdowne Ms 165, fol. 111r-112v (11 August, 1608); Lansdowne Ms 165, fol. 119r-120v (14 April, 1609); Additional Ms 10038, fol. 19r-23v (10 August, 1609).

<sup>84</sup>PRO SP 14/47/83, fol. 175r-176r (17 August, 1609).

<sup>85</sup>BL Additional Ms 10038, fol. 28r-31v (28 August, 1609).

<sup>86</sup>BL Additional Ms 10038, fol. 19r-23v.

The breviat appears to have been fashioned for presentation to James' councillors upon their return at the new term. Entitled 'Questions & Answers to the[m]', it contained financial accountings in addition to 'newe p[ro]iectes of gaine... picked out of 97 videl.<sup>87</sup> The projects show signs of further weeding: nine were crossed out, three added, and marginalia were made by Caesar. It is probable the changes reflect Salisbury's scrutiny; Caesar had written him that 'the work is of such co[n]sequence, that we are out of hope to bring it to so good a co[n]clusion, unlesse yo[u]r L[ordshi]ps succesfull hand both hammer & square it. In hope whereof wee will prepare it to yo[u]r hand'.<sup>88</sup> The additions would seem to bear out Salisbury's involvement. While the project for usury was one which Caesar had in hand himself (and opposed), two projects for processes in ecclesiastical courts to be answered in the Exchequer or sealed in the king's name are in Salisbury's project volume.<sup>89</sup> Old debts, fishing licences, copper monies, and old houses and castles were veteran projects which garnered final approval through the long process;<sup>90</sup> recusants and London buildings remained within 'co[m]positions for the Kings p[ar]t of penall lawes';<sup>91</sup> new knighthoods and licensing alehouses were present casualties.

Caesar and Salisbury had conducted the most significant examination of projects in the reign. It was this hard look at projects which convinced Salisbury that they were not in themselves **sufficient** means to repair James' estate. Salisbury consequently developed a project for refoundation which again included parliamentary endowment. He followed the same approach which Henry Neville advocated two years later: 'And when his Maj[es]ty hath made use of his peoples affection to put him out of want any fitt Projects that shall be offred may bee the boldyer entertained to fill his coffers'.<sup>92</sup> Salisbury committed to writing his conceptions and convictions for James' benefit.<sup>93</sup> They are a remarkable chronicle of intellectual evolution and the milieu of harsh experiences and sober reflections out of which

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<sup>87</sup>BL Additional Ms 10038, fol. 28r-30r.

<sup>88</sup>PRO SP 14/47/83, fol. 175r-176r.

<sup>89</sup>BL Additional Ms 10038, fol. 202r-203v (August, 1609 and 208r-209v (1 July, 1608); BL Harleian Ms 4807, fol. 32r-35v; also PRO SP 14/19/85, fol. 155r-156v and SP 14/19/86, fol. 157r-158v.

<sup>90</sup>Larkin and Hughes (eds.), Proclamations: James I, 232-233.

<sup>91</sup>BL Additional Ms 10038, fol. 29v.

<sup>92</sup>PRO SP 14/74/44, fol. 87r.

<sup>93</sup>Croft (ed.), 'Several Speeches', 271-312.

his plans for refoundation were born. In a political atmosphere at court which was still hostile to parliament early in 1610, Salisbury tried to persuade James that parliamentary endowment was the vital element in any cure of his financial ills.<sup>94</sup>

#### IV

We are indebted to Pauline Croft for editing and discussing Salisbury's long written treatises. However, the extent to which they included Salisbury's conception of a refounded monarchy as much as presenting arguments for various positions has been overlooked. Salisbury fashioned refoundation with Caesar's assistance, but it had little support from their fellow councillors, who were hesitant to confront James with unpleasant fiscal truths and align themselves with a project which was both innovative and had decidedly uncertain prospects.<sup>95</sup> Alone, Salisbury assured himself James would 'afford me just and gracious acceptance, not only because they shall come from me with a single heart and humble confidence, but because I should be unworthy of the honour and trust I have, if I suffer the consequences of your pressing and important necessities to take the start of my clear accounts and honest counsels.'<sup>96</sup> Salisbury's argument was simple: James' estate could not subsist without increased burden to his people and that it was inadvisable to impose that burden any further with the prerogative; therefore it was necessary to seek parliamentary endowment. James responded to Salisbury's first addresses by ordering the council to consider means by which he could live within the greatness of his predecessors, without taking 'from our servants or subjects all hope of reward', and advancing projects which furthered the socio-economic development of the commonwealth.<sup>97</sup>

The lengthy reply which followed was given under the auspices of the council, but it was effectively Salisbury's, strikingly suggested by Croft who noted the language changed to first person singular in the main body.<sup>98</sup> Its first part rehearsed Salisbury's push for

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<sup>94</sup>Croft (ed.), 'Several Speeches', 266-269 and 280-296. Parliament was prorogued five times between September 1607 and its eventual assembly in February 1610. See Larkin and Hughes (eds.), Proclamations: James I, 166-167 (30 September, 1607), 181 (10 January, 1608), 196 (4 September, 1608), 202 (4 January, 1609), and 232-233 (29 September, 1609).

<sup>95</sup>Croft (ed.), 'Several Speeches', 266-269. Cuddy, 'Southampton', 133-139 presents another perspective, but misunderstandings of Jacobean finance weaken his argument.

<sup>96</sup>Croft (ed.), 'Several Speeches', 281.

<sup>97</sup>Croft (ed.), 'Several Speeches', 296-298 ([c. after 12 January, 1610]).

<sup>98</sup>Croft (ed.), 'Several Speeches', 268.

parliamentary endowment and outlined a general strategy for the session based on bargaining.<sup>99</sup> The second offered James an overview of his refounded monarchy which built upon propositions about projects, retrenchment, and bounty in the earlier treatises.<sup>100</sup> First admitting '*uno concessio*' that some form of supply would be had in parliament, James would see 'the whole bulk of your estate, as it must serve to answer your certain and casual expenses, and to reward your servants and others.'<sup>101</sup> Salisbury looked forward to finally having settled finances. To that end, he intended to allocate specific revenues to offices of state while a table of assignments would be prepared out of which to support the royal establishment. Provisions for normal wages, entertainment, and imposts would dramatically improve the king's service. Although the richest princes could not support a multitude of retainers, official salaries for a 'selected number of choice servants of both kingdomes' would be possible 'once your Majesty can hold in reasonable conformity with your [fiscal] estate'. Salisbury anticipated an endowment sufficient to support James, his closest affinity of servants, and the administration on a workable, but binding budget; hoping thereby to confront the waste, corruption, and ill-advised munificence which drained so much revenue from the system.

A salaried affinity did not preclude James from exercising his generosity for well-deserving subjects, but giving must be judicious and tempered by the advice of commissioners.<sup>102</sup> James' largesse haunted Salisbury, who tirelessly attempted to educate James of the importance of curbing his personal spending.<sup>103</sup> Such liberality was 'improper for this kingdom, which being compared with other monarchies may certainly be counted potent, but not opulent.'<sup>104</sup> There might exist 'infinite causes of expense, but not infinite means' and Salisbury could wish to see voluntary charges limited by James' 'timely and judicious resolution.'<sup>105</sup> Salisbury's sense of history was a lens through which James must understand his finances. It 'almost hath not been the destiny of this crown to be involved in

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<sup>99</sup>Croft (ed.), 'Several Speeches', 299-303.

<sup>100</sup>Croft (ed.), 'Several Speeches', 303-312.

<sup>101</sup>Croft (ed.), 'Several Speeches', 303-304.

<sup>102</sup>Croft (ed.), 'Several Speeches', 301 and Salisbury's discussion 304-310.

<sup>103</sup>Croft (ed.), 'Several Speeches', 254-259.

<sup>104</sup>Croft (ed.), 'Several Speeches', 284, 285n95.

<sup>105</sup>Croft (ed.), 'Several Speeches', 300.



extreme lack,' Salisbury instructed, 'wheresoever it hath met a liberal hand ... it is not possible for a king of England ... to be rich or safe, but by frugality.'<sup>106</sup> Henry VIII was the Tudor who proved this: 'there was never king so memorable for his treasure as King Henry VII was ... it soon appeared that riches and excess could not long stand together here, when his son King Henry VIII (to whom he left a million and a half pounds) had spent it by and by, and without the fall of abbeys had proved (in arido) the poorest son of the richest father that ever this land had.'<sup>107</sup> Salisbury believed too much of James' bounty fell within the bounds of prodigality.<sup>108</sup> James was cognizant of Salisbury's message, pledging himself in October 1607 to 'observing as strait a dyete ye can in honoure & reason praescribe unto me'.<sup>109</sup> But therein lay the crux, the inability to define the common ground between liberality and frugality.

Salisbury's refoundation intended to enforce frugality with the book of bounty, a project in which he and Caesar collaborated which would establish special commissioners with 'order[s] to be observed in the proceeding with every suit'.<sup>110</sup> The book declared the necessity of limiting grants, explained the workings of the commission for suits, and offered would-be suitors guidance with a memorial of suitable and unacceptable grants.<sup>111</sup> Suitors were ordered to refrain from pressing their demands, James' officers were encouraged to stay suits contrary to the memorial before they passed the seals, and ready-made warrants were prohibited to prevent suitors bypassing the commission. Guided by the memorials, commissioners were to meet suitors once or twice a week, vet their petitions upon reference from James or his councillors, deliberate, and return certificates to the council which would render formal judgment. The commissioners were James' bulwark, protecting crown revenues by judging how all suits 'maye hurte o[u]r renewes, stand w[i]th the good of o[u]r

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<sup>106</sup>Croft (ed.), 'Several Speeches', 285.

<sup>107</sup>Croft (ed.), 'Several Speeches', 286. B. P. Wolfe, 'Henry VII's Land Revenues and Chamber Finance', *English Historical Review* 79 (1964), 253-254 argues that Henry VII's horde was an historical flight of fancy, but this has been interestingly disputed in Richard Hoyle, 'War and Public Finance', Diarmaid MacCulloch (ed.), *The Reign of Henry VIII: Politics, Policy, and Piety* (London, 1996), 85-86.

<sup>108</sup>Croft (ed.), 'Several Speeches', 283-284.

<sup>109</sup>HH Salisbury Ms 134, fol. 113r.

<sup>110</sup>Croft (ed.), 'Several Speeches', 249, 305-309.

<sup>111</sup>*A Declaration of His Maiesties Royall pleasure, in what sort he thinketh fit to enlarge Or reserve Himselfe in matter of Bountie* (London, 1610) [STC 9223.2].

subiectes, or be agreeable to o[u]r lawes.<sup>112</sup> They also spared James the onus of refusal. Casual revenues were expected to serve as James' bank account of bounty, but only those to which the king's entitlement was 'prima facie reputed clear and unquestionable'.<sup>113</sup>

These structural tools were reasonable, but a failure. The explanation lies in tracking individual grants as they passed along the sequence of seals, something which has been done by Linda Peck: 'The early years of the reign were marked by a multiplicity of brokers and a contradictory process: on the one hand, important Household officials, especially members of the Bedchamber, secured grants and, on the other, privy councillors stopped grants once they had been obtained from the king.'<sup>114</sup> Before 1614, Salisbury and Northampton were instrumental in stopping grants, but these 'stays were frequently temporary'.<sup>115</sup> James' unwillingness to acknowledge the impossibility of being 'rich or safe, but by frugality' complicated matters.<sup>116</sup> Salisbury was forced on the defensive by such statements: 'yo[u]r Ma[jes]tie hath beene troubled with a woord that fell from my penne wherein I onley glanced that I sawe a fatalitie in the state that it would never be rich'.<sup>117</sup> A minute for the regulation of suits in 1608 is telling: 'yt hath pleased his Ma[jes]ty in his greate wisdome to resolve of some restraint and choice in his guiftes **for some shorte time** untill his great debtes bee pasyfyed'.<sup>118</sup> Caesar's notes reveal the royal mindset which agreed to these strictures being observed 'till it shall please God to rid hi[m] out of debt, & that hee hath equalled his revenue to his charge'.<sup>119</sup> The mental underpinning of the commissions was disastrously incompatible with their professed purpose and could hope for no more than to contain or manage the patronage culture.

Neil Cuddy claims to have found evidence in Pauline Croft's work to support his position that fiscal policy was riven by a contest between prerogative (projects) and

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<sup>112</sup>BL Additional Ms 10038, fol. 2v; Croft (ed.), 'Several Speeches', 301.

<sup>113</sup>Declaration ... Bountie, 13-24 for the final demarcation, though somewhat different from Salisbury's proposals in Croft (ed.), 'Several Speeches', 305-307.

<sup>114</sup>Peck, Court Patronage, 42.

<sup>115</sup>Peck, Court Patronage, 43-44.

<sup>116</sup>Croft (ed.), 'Several Speeches', 285.

<sup>117</sup>HH Salisbury Ms 134, fol. 95r-95v (22 October, 1606).

<sup>118</sup>HH Salisbury Ms 126, fol. 128r (1608). Emphasis mine.

<sup>119</sup>BL Lansdowne Ms 151, fol. 74r.

parliamentary revenue.<sup>120</sup> This is an oversimplification. Experience convinced Salisbury that projects **alone** were not a sufficient basis for endowment, but he believed it was neither fiscally nor politically expedient to abandon them. Salisbury had lost his taste for those 'sour and harsh supplies, attending rather to what may be obtained in parliament', but asked James to empower a commission to examine his and Caesar's labours.<sup>121</sup> Salisbury expected the commission genuinely to examine the projects, deliver recommendations, and put on them a public stamp of approval or rejection. The commissioners judgements were further expected to become guiding precedents for eager projectors and suitors. Far from 'bury[ing] 170 "projects" in a vetting subcommittee' Salisbury hoped that moving vetting into the light of day would be a means to reform projects and confront the corrupting tendencies within the patronage culture.<sup>122</sup>

Projects offered many good precedents for 'adorning and enriching' the commonwealth and their importance was acknowledged in Salisbury's refounded monarchy.<sup>123</sup> He pledged to 'remove all difficulties and lets that may block or choke up the passages of these excellent designs' to which end a project commission staffed by 'experts of science and occupation' was advocated again. They would vet projects and anticipate abuses of projectors in the same manner as the commission of suits would curtail inadvisable bounty and prodigality. It is essential to recognize that Salisbury was not simply opposing projects and prerogative revenues. 'I am not of those,' he maintained, 'that think it can sort with the majesty of a king that his occasions should depend upon the will of his subjects, by which men make not the king the judge and mediator of things, but the people'.<sup>124</sup> Princes are the parents of the commonwealth and possess power 'in case of politike necessity, to help themselves in their body politike, by their subjects' fortunes, a power so material and inherent in the person of the king' that it was unquestionable.<sup>125</sup> But Salisbury believed the prerogative wielded for reasons of state should respect 'whether the practice be seasonable for

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<sup>120</sup>Cuddy, 'Southampton', 133-134.

<sup>121</sup>Croft (ed.), 'Several Speeches', 292-293.

<sup>122</sup>Cuddy, 'Southampton', 134.

<sup>123</sup>Croft (ed.), 'Several Speeches', 310-311.

<sup>124</sup>Croft (ed.), 'Several Speeches', 289.

<sup>125</sup>Croft (ed.), 'Several Speeches', 288.

the time'.<sup>126</sup> Projects became grievances when they failed the test of seasonableness and were solely instruments of private gain.

Perhaps the most emotive element in Salisbury's project was combating English xenophobia. He strove to reassure James about his own stance after the Union debacle and his determination to be the Scots' defender-cum-advocate in the coming session.<sup>127</sup> Among the salaried affinity, Scots were to receive the third part more 'because they are further separated from their own private estates and revenues than the other, as also in respect of difference (possibly) in their means and abilities.'<sup>128</sup> Salisbury defended this course against jealousy as the maintenance of 'such particular men as are necessary for the service of princes', a matter of public consequence.<sup>129</sup> Against charges the Scots should live at home, Salisbury answered with vigour: 'what can be more just reply to such a one than to ask him, whether he would be glad that he that was their king, and now is ours also, should live there too?'<sup>130</sup> However, Salisbury was undeterred from confronting James with home-truths about the Scots which had become obvious in the Union debates.<sup>131</sup> Henceforth, with the garden of casualties well tended, neither they nor the English would be 'suffered to range up and down the field of your Majesty's possessions, nor of your subjects, after such things as for the most part deceive their expectations and offend the people.'<sup>132</sup> Therein, Salisbury argued, 'consists the life of this project; then is that object of distate taken away, and on the contrary one step to the Union gained... whoso sees not that the harsh effects and ill order of your Majesty's gifts heretofore hath troubled the passage of this desired Union'.<sup>133</sup> Law and nature were fully resolved to bring forth the Union of the kingdoms and Salisbury argued refoundation was a crucial step.

Parliament was the 'tickle shore' to which James would be driven to avoid the rocks of his necessities. Salisbury promised the strongest preparation he could devise to smooth the

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<sup>126</sup>Croft (ed.), 'Several Speeches', 288, 289.

<sup>127</sup>The 'crisis of favour' Salisbury appears to have experienced after 1607 is posited in Cuddy, 'Southampton', 132-133.

<sup>128</sup>Croft (ed.), 'Several Speeches', 304.

<sup>129</sup>Croft (ed.), 'Several Speeches', 309.

<sup>130</sup>Croft (ed.), 'Several Speeches', 309-310.

<sup>131</sup>See Willson (ed.), Bowyer 1606-1607, 244-253 and 255-290.

<sup>132</sup>Croft (ed.), 'Several Speeches', 310.

<sup>133</sup>Croft (ed.), 'Several Speeches', 310.



passage and that initiatives 'shall be so far declared to be mine own, as your Majesty shall run no censure for any of my follies'.<sup>134</sup> It's clear that a prerogative bargain reminiscent of purveyance was in the offing. Salisbury wished James 'would be pleased to value your grace and bounty to your parliament, with dispensing with some of that monarchical power which is inherent in your royal person. Provided always, that it be not such things as tend to the diminution of your sovereign and absolute authority, in point of state and government, of which kind somewhat may be thought of, wherein your Majesty hath power to do more than ever your meant or mean to do.'<sup>135</sup> Salisbury resolved upon the dispensation of as yet unspecified parts of the prerogative 'as it reacheth at the money and means of your people'.<sup>136</sup> By employing the distinction between the absolute and ordinary prerogative, Salisbury would test an increasingly uneasy consensus over the prerogative's scope and authority in fiscal matters when he faced parliament.<sup>137</sup>

The broad outline of the refounded monarchy was the decisive element in persuading James to support Salisbury's project. It would have been hard for James to remain unimpressed: parliamentary endowment would provide sufficient additional revenue to put his estate on a sound footing; James' family, affinity, and offices of state funded in a certain, reliable fashion; casualties to serve his own unexpected needs and reward well-deserving subjects; the commission of suits and book of bounty established as a bulwark against endless importuning suitors; the realization of projects for the lasting enrichment of his commonwealth; the temper of English xenophobia checked and the possibility of Union reborn. Salisbury more than answered James' demand for 'some good and safe means to preserve our estate from want, from whence ariseth such a hydra of evils and dangers as it ought to be one of the principal cares of the greatest princes to cast out that monster both in root and seed.'<sup>138</sup> It was an undiluted advancement of the public good which fulfilled for James that duty which he had ascribed to all princes in The Trew Law of Free Monarchies.<sup>139</sup>

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<sup>134</sup>Croft (ed.), 'Several Speeches', 295-296.

<sup>135</sup>Croft (ed.), 'Several Speeches', 302.

<sup>136</sup>Croft (ed.), 'Several Speeches', 302.

<sup>137</sup>Guy, 'Imperial Crown', 74-75.

<sup>138</sup>Croft (ed.), 'Several Speeches', 297.

<sup>139</sup>King James VI and I, Political Writings, ed. Sommerville, 76.

Finally, James' feelings at the prospect of his necessities ending were unlikely to have changed since 1607: 'I coulde thinke my selfe as happie in all other respectis as any other king or monarke that ever was since the birthe of chryste'.<sup>140</sup> Salisbury offered James the fullest conception of a monarchy restored to fiscal health he ever received, but whether it could become reality remained to be seen.

V

The Great Contract became a vehicle for reflection on the nature of the Jacobean polity. Parliamentary endowment confronted seminal questions inherent to the balance of James' political theory with practical kingship. Members of parliament and the king faced the possibility that their actions might change the basic demarcations of authority and responsibility with the English polity. John Beaulieu recognized the gravity of business early in the session: Parliament 'according to the common opinion and hope, is like to bring forth very great alteration and reformation in the State.... it being in question not onely to eradicatt the strongest and most inveteratt Diseases of the State, but also to admitt new Seeds of temperature or distemperature in that bodie, you may think with what caution, wariness, and slowness they will proceed in so important a Worke'.<sup>141</sup> It was obvious from his treatises that Salisbury's efforts in parliament would be founded upon a course of explicit bargaining. The only concession to parliamentary image and ritual which veiled the normal parley over supply was framing the negotiation as one between Lords and Commons in which James remained above the fray. Of course, James was anything but uninvolved behind the scenes, but the pretence was effective. However, it is essential to see both sessions for what they were: sharp parley seeking the most favourable terms of any settlement. Finally, it will become apparent that these parliamentary sessions significantly challenge Conrad Russell's perception of James' parliaments as consensual assemblies whose members 'voted as many subsidies as were asked of them, and did so with reasonably good grace'.<sup>142</sup>

James deferred an opening speech, leaving Salisbury to set the agenda for his project, which he rehearsed in the Lords on 14 February and delivered to the Commons the following

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<sup>140</sup>HH Salisbury Ms 134, fol. 113r ([29 October, 1607]).

<sup>141</sup>Winwood, Memorials, III, 124-125 (1 March, 1610; John Beaulieu to William Trumbull).

<sup>142</sup>Russell, Parliaments, 49.

day.<sup>143</sup> The present session was required to 'procure supply of his Majesty's state with some ease to be given to the subject' and creating Henry as Prince of Wales.<sup>144</sup> Good to his word, Salisbury detailed the fiscal facts of life, accounted for his management of the king's finances, and crafted a portrait of dire necessity.<sup>145</sup> He repeatedly emphasized the inadequacy of James' ordinary revenue, consequent annual deficit of £46,000, the extent to which extraordinary charges only exacerbated matters, and the debt which had been paid down to £300,000 only after great labour.<sup>146</sup> Strange it would be, Salisbury argued, if the Commons did not 'concur with us for supply to the payment of his debts, for support of his yearly expense, for provisions for his navy, for his magazines, and such like, with so much more as you would wish a king of Britain to have in store to answer all occasions.'<sup>147</sup> Salisbury had been clearer in the Lords: 'we must not look only to put the King out of debt but have sufficient supply to maintain and support his yearly and annual charge.'<sup>148</sup> He was aiming for one-time supply to eliminate James' debt and annual support to cover the deficit and leave a yearly surplus for extraordinaries.

The precedents of former parliaments were rehearsed to answer 'tacit' objections to the demand. Salisbury deftly turned Elizabethan 'war-time' precedents on their head, arguing 'before she had any war with Spain or had sent any forces into the Low Countries, her people had so enabled her by frequent subsidies'.<sup>149</sup> Had not 'love and providence' been the motives of those subsidies 'they would neither have come so freely nor so frequently'. Salisbury trumped resistance to peacetime supply with this narration and future debates over the issue would center not on idle theories of taxation, but rather the management of crown finances.

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<sup>143</sup>There exists no satisfactory study of the Great Contract. Lindquist, 'Great Contract', Smith, 'Crown, Parliament', and Wallace Notestein, The House of Commons 1604-1610 (New Haven, 1970), 255-434 have looked at Salisbury's project in detail, but not without problems of interpretation. Most damaging to these studies is that the authors seem not to have consulted the manuscripts which were subsequently edited by Croft as 'Several Speeches', creating significant disjunctions between their evaluation of parliamentary events and Salisbury's thinking and intentions. The brief survey in Peck, Northampton, 198-205 remains the most effective; Hill, Bench and Bureaucracy, 150-178 is also useful.

<sup>144</sup>Foster (ed.), Proceedings 1610, II, 11-12 (15 February).

<sup>145</sup>Foster (ed.), Proceedings 1610, II, 14-18.

<sup>146</sup>Foster (ed.), Proceedings 1610, II, 16-19.

<sup>147</sup>Foster (ed.), Proceedings 1610, II, 25.

<sup>148</sup>Foster (ed.), Proceedings 1610, I, 8.

<sup>149</sup>Foster (ed.), Proceedings 1610, II, 15-16.

Criticism of expenditure was anticipated and answered at length. Salisbury consistently argued that it was for causes 'inherent and ordinary to all princes.'<sup>150</sup> Should Elizabeth have gone unburied?; would not a parsimonious entry and accession have been dishonourable?; was the on-going pacification of Ireland an idle expense?; could anyone argue that a watchful defense was imprudent?<sup>151</sup> Surely they were just and necessary to anyone, Salisbury posited, 'except it be such as study nothing but their own envies, nor believe nothing but that they find written in the stories of their own ignorance'.<sup>152</sup> Salisbury challenged English hypocrisy in deflecting charges James' estate would be better had he stayed his hand from 'an irregular bounty'.<sup>153</sup> James might have given less, but 'I think there is not many in both Houses that will be hasty to give back anything they have received'.<sup>154</sup> As for bounty to the Scots, 'it must be remembered that he was born amongst them ... to have wished a king to have left so many unrewarded of worth and merit, had been to have moved him to have changed his virtue because he had changed his fortune.'

Language of public good and counsel were heavy in the speech. The king of Scots had put England 'in the fruit of all good things': religion preserved, the back door of Scotland closed, a settled succession, peace with Spain.<sup>155</sup> 'From the first institution of this monarchy, which consists (as all others do) of people, government, and revenue,' the lord treasurer recounted, 'all wise princes whensoever there was cause to withstand present evils or future perils (so much the more perilous because invisible) have always addressed themselves to their parliaments for counsel'.<sup>156</sup> The object of consultation was the 'public utility': to consider of some supply as may make this state both safe and happy; th'other to assure you of our good intention to join with you in any reasonable request for the public good'.<sup>157</sup> Other than weak references to law reform and codification, Salisbury left retribution deliberately

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<sup>150</sup>Foster (ed.), Proceedings 1610, II, 16.

<sup>151</sup>Foster (ed.), Proceedings 1610, II, 18-22.

<sup>152</sup>Foster (ed.), Proceedings 1610, II, 22-23.

<sup>153</sup>Foster (ed.), Proceedings 1610, II, 23.

<sup>154</sup>Foster (ed.), Proceedings 1610, II, 23n52.

<sup>155</sup>Foster (ed.), Proceedings 1610, II, 25-26 and Commons Journal I, 396.

<sup>156</sup>Foster (ed.), Proceedings 1610, II, 11.

<sup>157</sup>Foster (ed.), Proceedings 1610, II, 24.



vague, simply a 'general redresse of all just grievances'.<sup>158</sup> His digressions seem to have been designed to establish parameters. As kings did not demand contributions at pleasure, parliament should not 'denye them out of humor, when there was just cause *pro bono publico*'.<sup>159</sup> Expanding this, Salisbury commented the king's prerogative knew its true scale in 'concurance with the publike good', but there remained its absolute power.<sup>160</sup> Impositions with due regard of trade, tenures and wardships, the courts of justice, and the execution of penal laws were four of those inherent and inseparable prerogative powers.<sup>161</sup> While the Lords would join them in all humble requests for retribution, the Commons must maintain the 'respects that are due to sovereignty and modesty'.<sup>162</sup> It would appear Salisbury was warning the Commons off retribution touching the king's absolute prerogative, but implicitly opening the field to its ordinary aspects so long as they proceeded with deference.

Salisbury's speech was a tour de force, 'though the subject and end could not be very pleasant to the hearers'.<sup>163</sup> It had been strong on principles, but short on details. It has been argued this was the result of unpreparedness and that the clear-cut division between one-time supply and support was not made at this time.<sup>164</sup> However, the Commons immediately made the distinction in their debates and the argument of unpreparedness is a misconception.<sup>165</sup> Salisbury knew his own mind and what he hoped to secure from parliament for refoundation, supply and support were explicitly distinguished in the Lords, while he anticipated parting with certain prerogative rights in any bargain.<sup>166</sup> Like an astute negotiator, Salisbury was testing the waters with generalities. It was essential to take the temper of the Commons after nearly two years without a session, particularly at a time when he was presenting them with

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<sup>158</sup>Foster (ed.), Proceedings 1610, II, 27; Samuel Rawson Gardiner (ed.), Parliamentary Debates in 1610 (London, 1862), 7.

<sup>159</sup>Gardiner (ed.), Debates 1610, 7.

<sup>160</sup>Gardiner (ed.), Debates 1610, 7.

<sup>161</sup>Gardiner (ed.), Debates 1610, 7-8.

<sup>162</sup>Foster (ed.), Proceedings 1610, II, 27.

<sup>163</sup>Winwood, Memorials, III, 123 (23 February, 1610; Beaulieu to Trumbull).

<sup>164</sup>Croft (ed.), 'Several Speeches', 265-267.

<sup>165</sup>'The Demands high--To free from Debt, and some annual Support.' Commons Journal, I, 398; also Gardiner (ed.), Debates 1610, 9.

<sup>166</sup>This contradicts Lindquist, 'Great Contract', 626-627, but is clear in Croft (ed.), 'Several Speeches', 296 and 302.

an unprecedented request.<sup>167</sup> Salisbury was letting the Commons muse over the demand and be the first to offer a price.

Salisbury's vagueness precipitated the searching debate for which he had hoped, one in which Caesar participated, but, more importantly, assessed and reported to his master.<sup>168</sup> The committee of grievances took charge of the matter and a decision was promptly made to defer supply as something unfit to have been moved by the Lords at the beginning of the session.<sup>169</sup> Members turned to the 'yearly contribution desired, and of the retribution to proceed from the King' and numerous proposals were made for settling a new revenue on James: the full benefit of recusancy and attained lands to be entailed to the crown; direct customs administration; removal of purveyance 'for which the subjects would yeald to His Majestie a greate yearly allowance'; the like offer for abolition of tenures and wardship; and faint murmurs of compounding for release from old debts and defective titles.<sup>170</sup> Thomas Wentworth questioned the value of any support without repairing the bottomless hole of the Exchequer and cited precedents for a council of inquiry.<sup>171</sup> Caesar rounded on Wentworth for citing precedents from Richard II and Henry IV, one 'a dissolute and profuse prince' and the other a usurper; for the matter of tenures and purveyance, Caesar served his master's interests by reminding members that they were profitable (pricing them at £60,000 and £40,000 respectively) and their removal would only make James' want of revenue the greater.<sup>172</sup> The committee concluded only tenures and wardship were worth examining as retribution, but turned the tables on Salisbury by asking for a conference with the Lords for more details of what James would offer.<sup>173</sup> If tenures were not included, the Commons' representatives should seek approval to consult on their discharge.<sup>174</sup>

Salisbury had been checked. He had been hoping for agreement in principle to supply James which explains his irritation in discussions with his fellow Lords that the Commons

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<sup>167</sup>Foster (ed.), *Proceedings 1610*, II, 25.

<sup>168</sup>Hill, *Bench and Bureaucracy*, 155-157.

<sup>169</sup>Gardiner (ed.), *Debates 1610*, 9-10 (19-21 February).

<sup>170</sup>Gardiner (ed.), *Debates 1610*, 10-11; Foster (ed.), *Proceedings 1610*, II, 32 (21 February).

<sup>171</sup>Gardiner (ed.), *Debates 1610*, 11-12.

<sup>172</sup>Gardiner (ed.), *Debates 1610*, 12 (21 February).

<sup>173</sup>Gardiner (ed.), *Debates 1610*, 12-13.

<sup>174</sup>Foster (ed.), *Proceedings 1610*, II, 32.

had proceeded to 'retribution before we receive contribution ... For without the one the kingdom cannot subsist, without th'other it may'.<sup>175</sup> Further, he was unhappy supply had been shelved so quickly, retorting 'the lower House did not conceive the King's necessity'.<sup>176</sup> Nevertheless, his consultations with Caesar led to an offer-sheet of retribution and the amount of supply and support to be demanded. Salisbury and Caesar were well-timed foils in the conference. Caesar began, seeking the terms of contribution and retribution.<sup>177</sup> Rhetorical chastisement for not attending the king's necessities preceded a demand for £600,000 supply and £200,000 support. Caesar rebuked his master for moving subsidies at the beginning to which Salisbury pleaded necessity while expecting some propositions on their part. That was beyond their commission and Recorder Henry Montagu stepped forward to ask the Lords to approach James with them for leave to examine tenures.<sup>178</sup>

Salisbury was prepared and put them off tenures as a question first needing consultation with the Lords.<sup>179</sup> Rather he reiterated James' necessity and expectation of an answer in principle on supplying it, but enlarged the discussion of retribution.<sup>180</sup> It was of three kinds, matters of sovereignty with which James would never part; matters of justice and redress of grievances which the subject had of the king freely; and 'Rights—but such as were *onera* to the subject' which be 'princely and of price'.<sup>181</sup> Salisbury offered ten such heads as retribution. Purveyance, defective titles, and old debts were taken from the Commons' proposals. Salisbury added the elimination of informers and forfeitures for non-payment of rent; subjects would be allowed to plead generally not-guilty in Exchequer causes of intrusion; the statute of limitation (32 Henry VIII) would be applied to the prerogative. His final three proposals pertained to wardship: respite of homage would be eliminated while alienation fines and purchase prices for the wardship of heirs would be set at reasonable rates.

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<sup>175</sup>Foster (ed.), Proceedings 1610, I, 12 (24 February). James alluded to this impasse later in the session. King James VI and I, Political Writings, ed. Sommerville, 193-195.

<sup>176</sup>Foster (ed.), Proceedings 1610, I, 12.

<sup>177</sup>Foster (ed.), Proceedings 1610, I, 13-14; Gardiner (ed.), Debates 1610, 13-15.

<sup>178</sup>Gardiner (ed.), Debates 1610, 14 (24 February).

<sup>179</sup>Gardiner (ed.), Debates 1610, 15.

<sup>180</sup>Foster (ed.), Proceedings 1610, I, 15; Foster (ed.), Proceedings 1610, II, 34-36.

<sup>181</sup>Gardiner (ed.), Debates 1610, 15-16; Foster (ed.), Proceedings 1610, II, 35 (27 February).

Reacting to Caesar's reports, Salisbury was hoping to deflect interest in tenures, something for which he had no desire to bargain except in reformist terms.

James' agents in the Commons steered the debate to a statement in principle to supply the king, but Roger Owen expressed the majority sentiment that there existed no precedent 'first to say we will give.'<sup>182</sup> Montagu provided a formula which would hold for much of the session. Supply was deferred with assurance that they would give good satisfaction at the appropriate time; they were ready to bargain for support.<sup>183</sup> It was not an unpromising start, but progress on support was tied to the Lords' answer on tenures. They stalled, using an 'answer answerless' from James. Agreement in principle was still being sought, but members refused to be baited despite Salisbury's show of willingness to urge the abolition of tenures.<sup>184</sup> They rejected Salisbury's advice not to disparage the ten heads and secured another conference to press for tenures.<sup>185</sup> Against their inclination, Salisbury and James had to break the logjam with an affirmative answer.<sup>186</sup> Northampton praised the Commons' respectful carriage in seeking the fair Helen--with which James found no fault--but warned them to proceed without 'rubs or lets' to the prerogative or its exercise.<sup>187</sup> His conclusion was pointed: this is a rule infallible, that as long as there is a monarchy, you must maintain the monarch, though these means we have propounded be not usual in respect of the greatness of the demand, yet necessary for to maintain his Majesty's estate.'

The Commons had deftly side-stepped any general bargain for support and supply. Reminiscent of 1604, they instead fashioned a contract for tenures alone, for which they offered £100,000.<sup>188</sup> In so doing they ignored James' preference for a bargain in total encompassing tenures, purveyance, and other heads.<sup>189</sup> Salisbury was seeking broad

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<sup>182</sup>Commons Journal, I, 402 (28 February).

<sup>183</sup>Commons Journal, I, 403.

<sup>184</sup>Foster (ed.), Proceedings 1610, I, 26 (2 March).

<sup>185</sup>Commons Journal, I, 406 (5 March); Foster (ed.), Proceedings 1610, I, 28-32 (8 March).

<sup>186</sup>Foster (ed.), Proceedings 1610, I, 16, 20-21, and 25-26.

<sup>187</sup>Foster (ed.), Proceedings 1610, I, 36 (12 March); Foster (ed.), Proceedings 1610, II, 54-55 (12 March).

<sup>188</sup>Foster (ed.), Proceedings 1610, II, 64-67 (23-26 March); Commons Journal, I, 411-418 (15 March-2 April); Croft, 'Wardship', 40-41; Croft, 'Purveyance', 13.

<sup>189</sup>Foster (ed.), Proceedings 1610, I, 35 (12 March).



refoundation while the Commons looked to a specific contract.<sup>190</sup> This disjunction precipitated a crisis for Salisbury and James. £100,000 alone was inadequate; Caesar valued tenures at £60,000 which left the net gain of £40,000 a far cry from £200,000. Further, the Commons had rejected the other heads as worthless, making the prospects for another bargain decidedly uncertain. But to reject the offer would undermine progress. Certain legal mechanics of the contract remained to be settled and Salisbury postponed action until agreement was reached on them.<sup>191</sup> Salisbury maintained constructive engagement because he had decided to draw the contract for tenures within the compass of a broad agreement on support.

The conference on 26 April was political hardball. Northampton and Salisbury had already discussed a compromise position in the Lords, that of £200,000 support including wards, but a higher demand was forthcoming in conference.<sup>192</sup> Salisbury reminded members that James' inevitable necessity was such that only £200,000 clear was adequate.<sup>193</sup> Oppressive flowers and regalities of the prerogative had been offered in exchange, but 'Wardship was not emongst them.'<sup>194</sup> 'Shall I flatter you', Salisbury reasoned, 'when the Wardes is taken away 200m. li. a yare will then be sufficient ... you haveinge given cause of augmentation by your demand.'<sup>195</sup> It was not a question of £100,000 being too little for the wards, it was simply too little for James' necessities. Unless they offered James satisfaction 'not *reddendo singula singulis*, but *sub tota materia* 200m. li. a yere above whatsoever we defalked from him by our contract, the Wards will not be had.'<sup>196</sup>

The Commons had seen the full measure of their goals with tenures at hand and Salisbury placed them in jeopardy. It was a serious miscalculation which unnerved members

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<sup>190</sup>Lindquist correctly made this distinction, but undermined its significance by arguing that Salisbury was not bargaining, but pursuing a 'free revenue' which 'it should be emphasized, remained his only object throughout the year. It is true that he spoke of a "large retribution" when he first addressed the Commons, but he did not specify the retribution, and he may have meant nothing more than redress of grievances appropriate to a petition of grievances.' Lindquist, 'Great Contract', 623-627.

<sup>191</sup>Foster (ed.), *Proceedings 1610*, I, 63-66 (20 April).

<sup>192</sup>Foster (ed.), *Proceedings 1610*, I, 67-69 (26 April).

<sup>193</sup>Gardiner (ed.), *Debates 1610*, 149 (26 April).

<sup>194</sup>Gardiner (ed.), *Debates 1610*, 150.

<sup>195</sup>Gardiner (ed.), *Debates 1610*, 151.

<sup>196</sup>Gardiner (ed.), *Debates 1610*, 151.

to an extent which drove Salisbury to seek instructions from James.<sup>197</sup> The Commons' response was expected to be a flat refusal and James counselled Salisbury on confronting that possibility.<sup>198</sup> The Lords could retort that a sudden refusal was unfitting; if the demand was too high the Commons should make a counter-offer; or Salisbury might suggest that the demand was not peremptory and James might entertain a lower price. If they insisted on their single contract then, in James mind, 'twas a signe they had no desire to deale' and further negotiations were pointless. Nevertheless, James expressed confidence in Salisbury's ability to 'keepe the matter from a rupture' until his return. To that end, though he meant 'not to compound for all his offers but in grosse', James suggested a conference at which all the heads might be particularly valued, hoping to make the Commons 'more open to compound for the whole.'

The Commons drafted and debated their answer, finally requesting a conference for its delivery.<sup>199</sup> Salisbury was dejected, knowing the Commons' refusal was imminent, and told his fellow lords he was 'ashamed to look back what hath been done this 9 weeks'.<sup>200</sup> The Commons refused Salisbury's request for an open debate, delivering instead their reason for contracting for tenures alone—that only the partakers of the benefit should be taxed for it which was impossible as part of larger support—and the unprecedented and politically impossible burden of £300,000.<sup>201</sup> Salisbury harshly rebuked them for yet again preventing a free exchange of ideas in conference, reminded them of the value of those things which had been offered, and refused their answer, affirming the Lords had never said that for less than £300,000 retribution could not be had.<sup>202</sup> Salisbury's climb-down framed any future settlement as a contract in total. He and James had lost over price, but successfully revived the original plan for refoundation, albeit within the formula of a contract.

Before support could be truly revived, James and Salisbury precipitated a bigger crisis. Throughout the weeks of negotiations the Commons' committee had been busy

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<sup>197</sup>Foster (ed.), *Proceedings 1610*, II, 74 (1 May).

<sup>198</sup>HH Salisbury Ms 128, fol. 118r-119v (30 April, 1610; Lake to Salisbury).

<sup>199</sup>Foster (ed.), *Proceedings 1610*, II, 75-76 (2 May); *Commons Journal*, I, 423-424 (1-2 May).

<sup>200</sup>Foster (ed.), *Proceedings 1610*, I, 74 (3 May).

<sup>201</sup>Foster (ed.), *Proceedings 1610*, II, 75; Foster (ed.), *Proceedings 1610*, I, 80 (4 May).

<sup>202</sup>Foster (ed.), *Proceedings 1610*, II, 80 and *Commons Journal*, I, 425 (5 May).

collecting and perfecting grievances.<sup>203</sup> In the heady atmosphere after James' leave to examine tenures, he praised the lower house for its discretion in burning a bundle of idle grievances, but thought it prudent to set parameters: abuses of government were acceptable, but not questions of authority or legal right; genuine grievances, not members' particular complaints.<sup>204</sup> By the end of April, the committee had determined upon an exhaustive examination of the legality of impositions and the judgment in Bate's case.<sup>205</sup> Select members of the house were ordered to search the Tower records and gather all relevant precedents.<sup>206</sup> Salisbury, Ellesmere, and the Lords generally were angry with this course, an ire which mirrored James' own.<sup>207</sup> Speaker Phelips was given a provisional injunction against debating the issue which he delivered.<sup>208</sup> This touched off a two week dispute over freedom of speech and debate.<sup>209</sup>

James made something of a second climb-down. He argued 'as this cause of impositions is fit to be handled for the ease of the subject, so this other business of support was necessary to be handled for the good of the kingdom' and wished them to 'proceed *pari passu* in both.'<sup>210</sup> The price of debate was renewed attention to support, but James implicitly tied progress on support to the satisfactory resolution of grievances, foremost among them impositions, a situation with grave implications for Salisbury's project. The Commons agreed, but felt it remained for the Lords to resume negotiations.<sup>211</sup> Salisbury obliged with a somewhat obtuse accounting of their divergent positions, but affirmed James' determination to lower his demands 'and we take it in consequence if he fall you shall rise.'<sup>212</sup> The Commons accepted the opening, but would not increase their offer before first considering and debating further points of ease, including the original ten heads.<sup>213</sup> The surviving reports

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<sup>203</sup> Commons Journal, I, 404-454 is the best source for the work of the committee for grievances.

<sup>204</sup> Foster (ed.), Proceedings 1610, II, 61 (21 March).

<sup>205</sup> Foster (ed.), Proceedings 1610, II, 73 (30 April).

<sup>206</sup> Foster (ed.), Proceedings 1610, II, 74. (1 May)

<sup>207</sup> Foster (ed.), Proceedings 1610, I, 67-69 (26 April); Foster (ed.), Proceedings 1610, I, 82n2.

<sup>208</sup> Foster (ed.), Proceedings 1610, II, 82 (11 May).

<sup>209</sup> Foster (ed.), Proceedings 1610, II, 82-114.

<sup>210</sup> Foster (ed.), Proceedings 1610, II, 116 (25 May).

<sup>211</sup> Foster (ed.), Proceedings 1610, II, 119.

<sup>212</sup> Foster (ed.), Proceedings 1610, II, 123.

<sup>213</sup> Foster (ed.), Proceedings 1610, II, 125-126 (1-2 June).

indicate the debates were particularly negative with some members refusing to serve on the subcommittee responsible.<sup>214</sup>

The summer recess was in the offing and twenty weeks without material progress was taking its toll on James' patience. The Commons might be 'well-affected to the state', but Salisbury seemed incapable of moving them to a conclusion and the upcoming impositions debate promised nothing but more delays.<sup>215</sup> James intervened with a message through Salisbury, who was at pains to emphasize he was only a messenger.<sup>216</sup> James wondered what would be the end of their 'great council': 'He offered you some branches, nay some fruits such as were never gathered, as fair as any in Britain ... The King asked too much, you offered too little, and yet a fair, an honorable, of offer. The distance is great, the time is short, the difficulty is infinite. To reconcile this difference, a mediocrity is fit to be sought for'.<sup>217</sup> James expected satisfaction for support, but the time for agreement had passed. The king was content the contract would remain in suspension until the next session, by which time members would understand the disposition of their countries 'that now make you startle' from bargaining. As support was suspended, so the peoples' grievances must wait the next session. Instead, James expected immediate attention to supply, for which he would 'have just cause to complayne of this greate senate' if they denied him in such a time of necessity.<sup>218</sup> Salisbury gave for inducement a promise to suspend some £20,000 worth of impositions once supply was voted and no impositions would be laid before the next session; they were also reminded of James' offer not to lay any future impositions except in parliament.<sup>219</sup>

The king's voices spoke for at least two subsidies while others opposed any before their grievances were answered.<sup>220</sup> George More supported two subsidies, but suggested their grievances be put in readiness in hope of James answering them despite Salisbury's

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<sup>214</sup>Gardiner (ed.), Debates 1610, 46 (2 June).

<sup>215</sup>Foster (ed.), Proceedings 1610, II, 132-133; Foster (ed.), Proceedings 1610, I, 100-101.

<sup>216</sup>Foster (ed.), Proceedings 1610, II, 135 (11 May).

<sup>217</sup>Foster (ed.), Proceedings 1610, II, 138-139.

<sup>218</sup>Gardiner (ed.), Debates 1610, 54.

<sup>219</sup>Foster (ed.), Proceedings 1610, II, 140-141.

<sup>220</sup>Commons Journal I, 438 (13 June).



speech.<sup>221</sup> Finding 'the Howse bent against subsidies', Caesar intervened with a message from James, defending against suspicions that 1606 would be repeated: 'Some may think that supply being now yielded to the King, the parliament shall be dissolved and then the matter of tenures, which was projected, was but offered and not meant. His Majesty's answer to that is, he means expressly the parliament shall meet again. Others may think that then we shall have no answer to our grievances', but he promised to hear and redress them, including impositions.<sup>222</sup> Caesar opined that supply would encourage James' favour and supported the motion of two subsidies.<sup>223</sup> Many members remained unswayed and a decision was postponed at the urging of James' supporters.<sup>224</sup> Caesar arrived the next day with formal assurance from James of his pledge to hear their grievances before the recess.<sup>225</sup> Further, James would deliver his lowest price for support once he had seen the grievances, 'whearby it might appear unto hym what yearly proffitt wee desyred to take from hym'.<sup>226</sup>

James' assurance was ineffective in clearing the spectre of 1606: 'have we not received messages of that kind with the like promises that Mr Chancellor [Caesar] brings now of good answers to our grievances and that promise should have been inserted in the preamble of the grant of the subsidy.'<sup>227</sup> Maurice Berkeley agreed, Lord Danver's patent suspended in 1606 was reborn in the hands of the hated projector Stephen Proctor, 'of which we complain now'; the way was clear: 'hear answer to our grievances first.'<sup>228</sup> Sandys believed the division of opinion made it unseemly to put the question to a vote, which was agreed.<sup>229</sup> The next day, Caesar delivered James' indifference concerning the motion and doubted not but they would satisfy him after their grievances were answered.<sup>230</sup> Caesar also conveyed James' tetchiness that one subsidy had been so controverted and ire with members

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<sup>221</sup>Gardiner (ed.), Debates 1610, 55-56 (13 June).

<sup>222</sup>Gardiner (ed.), Debates 1610, 56; Foster (ed.), Proceedings 1610, II, 142-143 (13 June); Foster (ed.), Proceedings 1610, II, 134

<sup>223</sup>Gardiner (ed.), Debates 1610, 56.

<sup>224</sup>Foster (ed.), Proceedings 1610, II, 143.

<sup>225</sup>Foster (ed.), Proceedings 1610, II, 143 (14 June).

<sup>226</sup>Gardiner (ed.), Debates 1610, 56 (14 June).

<sup>227</sup>Foster (ed.), Proceedings 1610, II, 146 (John Savile); 'We had a message upon the last Subsidy; so of this.' Commons Journal, I, 439; also Willson, Bowyer 1606-1607, 165-166 and 185-187.

<sup>228</sup>Foster (ed.), Proceedings 1610, II, 146.

<sup>229</sup>Commons Journal, I, 439.

<sup>230</sup>Gardiner (ed.), Debates 1610, 58 (15 June).

who had questioned his government and applied precedents of turbulent reigns to it. The initiative had done little but raise doubts in the Commons about James' goodwill and reminded them of past disappointments.

James' failure to move members to a successful vote of supply and one muted in any reasonable proportion to his demands seriously compromises Conrad Russell's statement that 'Only once in the reign of James I, over the issue of impositions [in 1614], did they attempt to make supply conditional on the redress of grievances'.<sup>231</sup> All other Jacobean parleys were only 'the sort of semi-tacit compromise and mutual exchange of favour which marks the political process in any system; this was the real thing because it was 'an explicit pistol-point demand'.<sup>232</sup> James would have found these semantics problematic. Members consciously looked to 1606 when redress was promised as the reward for voting supply and failed to occur in a timely or positive fashion. They refused to be bought with promises in 1610 and explicitly said as much. Moreover, James accepted the inevitability of answering members grievances to receive **any** supply. Redress-supply in 1610 and 1614 did not represent qualitatively different moments, but engagements with varying degrees of constructiveness and determination. Both were examples of political reciprocity at its most timeless and elemental.

Freed from further debate, the members returned to support and asked the Lords to consider further retribution, the king's lowest price, and projects for levying support other than those wholly upon the land.<sup>233</sup> The Commons' obvious defiance of James' course caused consternation in the Lords. Salisbury believed this represented a crisis and wanted the backing of a delegation to sound out the king before any answer was returned.<sup>234</sup> Ellesmere disagreed, but the Lords favoured Salisbury's motion. They were uncertain whether to re-open support negotiations against James' preference. James' promised to answer them shortly.<sup>235</sup> The beagle and his master were at loggerheads whether a successful conclusion to

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<sup>231</sup>Russell, Parliaments, 49.

<sup>232</sup>Russell, Addled Parliament, 5-6, 25-26.

<sup>233</sup>Commons Journal, I, 441 (18 June).

<sup>234</sup>Foster (ed.), Proceedings 1610, I, 109-110 (19 June).

<sup>235</sup>Foster (ed.), Proceedings 1610, I, 110 (21 June).

the project was still possible. James' actions indicate he no longer believed so, at least not in the present session. Salisbury looked to the consequences of failure and was willing to persevere. He persuaded James to continue the project, but would suffer his master's reproaches in the Fall for 'self love of youre owin counsaill in holding together of this parliament quhair of all men waire dispaired, as I have oft told you, but your selfe alone.'<sup>236</sup> The Lords' anxiety over further proceedings heightened while they waited for James' price.<sup>237</sup> Salisbury defended his project and, with Northampton, turned back talk of disputing the means of levying support in the conference. They wanted the focus firmly on retribution and the king's price rather than drawing in complicating issues which both men believed were premature. The conference was spirited with Salisbury and Richard Martin sparing over the value of retribution, including new heads offered by the Commons.<sup>238</sup> The king's price was £140,000 support over and above that which he lost, valued at £40,000 each for purveyance and tenures: £220,000 in all.<sup>239</sup>

Consideration of support resumed after the great impositions debate, but grievances came to the fore.<sup>240</sup> James' received the petitions of temporal and spiritual grievances which he likened to tapestries.<sup>241</sup> James answered those concerning profit a few days later, including a long defense by Salisbury of impositions, but enjoined them to return to supply and support now that he had answered some of their grievances.<sup>242</sup> Dissatisfaction with these partial answers was testified by one subsidy and one fifteenth voted the next day.<sup>243</sup> It was hardly voted with 'good grace' and cannot be seen as anything but a conditional gesture when compared to James' necessities. Redress and supply remained insolubly connected. It was agreed that support would receive undivided attention for the rest of the session.<sup>244</sup> That resolution was almost certainly the result of a private meeting between Salisbury and a select

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<sup>236</sup>HH Salisbury Ms 134, fol. 143r-144v ([6 December, 1610]).

<sup>237</sup>Foster (ed.), *Proceedings 1610*, I, 113-117 (26 June).

<sup>238</sup>Foster (ed.), *Proceedings 1610*, I, 117-120 (26 June).

<sup>239</sup>Foster (ed.), *Proceedings 1610*, II, 168-169.

<sup>240</sup>*Commons Journal*, I, 445-447.

<sup>241</sup>Foster (ed.), *Proceedings 1610*, II, 253-272 (7 July); 273.

<sup>242</sup>Foster (ed.), *Proceedings 1610*, I, 129-134; Gardiner (ed.), *Debates 1610*, 153-163; Croft, 'Bate's Case', 523-524.

<sup>243</sup>*Commons Journal*, I, 448 (11 July).

<sup>244</sup>Foster (ed.), *Proceedings 1610*, II, 276.

group of members.<sup>245</sup> He failed to answer their continuing concerns over impositions and could not persuade them to a meaningful supply.<sup>246</sup> However, he seems to have found common ground in the need to act effectively with support or see parliament prorogued, perhaps dissolved. The pace was correspondingly brisk in the next ten days. The Commons resolved to offer £180,000 for tenures, the remaining heads, and five new propositions.<sup>247</sup> Salisbury reported James' displeasure to the Lords that the lower house had not risen to his demand of £220,000, yet possessed the audacity to seek additional retribution.<sup>248</sup> He was of a mind to 'dissolve the parliament and carry them no longer with hopes', but Salisbury carried a final offer into conference. James yielded on three points, refused the rest, and would accept £200,000 in support.<sup>249</sup> Salisbury warned, the 'distance is so little, the bargain so advantageous and the contentment both of King and people so great as if you should not accept it, you would hereafter repent yourselves.'<sup>250</sup> The Commons' account closed: 'If this offer succeeded not, then this would be an End of this Parliament.'<sup>251</sup>

The Commons agreed to give £200,000 in support by a margin of 60 and the committee was empowered to review the negotiations and propose any new points of retribution which did not touch the king in honour and profit.<sup>252</sup> As the Lords prepared to meet for the formal acceptance in conference, attention turned to the means of levy.<sup>253</sup> Salisbury, Lord Sheffield, and Bishop Abbot carried the discussion with a motion to have a memorial drawn with the points of agreement to which both houses would subscribe and cement the bargain; the levy should not be contested until the next session. Finding some

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<sup>245</sup>The members Salisbury consulted were Henry Neville, Edwin Sandys, Maurice Berkeley, Herbert Croft, John Scott, Francis Goodwin, and Edward Alford, some of the king's sharpest fiscal critics in the Commons. Foster (ed.), *Proceedings 1610*, II, 274n1.

<sup>246</sup>Cuddy, 'Southampton', 136-137

<sup>247</sup>Foster (ed.), *Proceedings 1610*, I, 140-143 (16 July). The new propositions were that an attained outlaw's creditors be satisfied before the king takes his forfeiture; no one be compelled to lend to the king; the king's servants not to be freed from arrest; judges may enforce oaths of witnesses in criminal actions against the king; restoring the four border shires of Wales to normal jurisdiction (suspension of statutes of 34 and 35 Henry VIII). Foster (ed.), *Proceedings 1610*, II, 279.

<sup>248</sup>Foster (ed.), *Proceedings 1610*, I, 144 (17 July).

<sup>249</sup>Foster (ed.), *Proceedings 1610*, II, 283.

<sup>250</sup>Foster (ed.), *Proceedings 1610*, I, 146.

<sup>251</sup>*Commons Journal* I, 451.

<sup>252</sup>Foster (ed.), *Proceedings 1610*, II, 284 (17 July).

<sup>253</sup>Foster (ed.), *Proceedings 1610*, I, 153-154 (19 July).



formula for a binding resolution of what had been accomplished became Salisbury's focus.<sup>254</sup> Against him, Sandys and the members who remained at Westminster were still looking to add.<sup>255</sup> Salisbury stuck to his desire for some binding statement which was supplied by George More's project for a memorial.<sup>256</sup> The Commons' memorial was passed and delivered to the Lords, but the lower house was not through and sought a conference the following day. Sandys summarized the points of the contract, including the Commons' reservation of the power of proposing new retribution which did not affect James' honour and profit. Sandys offered new points, but Salisbury refused them and answered only the earlier additions now that they had received the Commons' memorial.<sup>257</sup> It and the Lords' own were entered in the journal two days later.<sup>258</sup> Salisbury's answer to the new propositions was included while the Lords were determined to protect James' interest--and their own--by also laying equal claim to the powers of *addendo* and explanation.<sup>259</sup> That same afternoon James arrived from Whitehall to answer the rest of the Commons' grievances, give the royal assent to the bills, and prorogue parliament until October.<sup>260</sup>

Negotiations had been arduous, tempers and frustrations had built among all concerned, but James and Salisbury, Lords and Commons, had accomplished something historic. Edwin Sandys was 'happy to live in those days wherein we with our own eyes see that effected which our ancestors never dreamed of.'<sup>261</sup> Wardship and purveyance, scourges of the commonwealth for decades, had been swept away along with some of the most irritating Jacobean projects. On the other hand the beagle had faced his master with harsh reality and spared no pains to effect a difficult solution. Salisbury had prevailed and 'brought the rest of the greate houndes to a p[er]fect tune, w[hi]ch was before by there voyce much

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<sup>254</sup>Foster (ed.), Proceedings 1610, II, 288-289.

<sup>255</sup>Foster (ed.), Proceedings 1610, I, 154-155 (19 July). They wanted provision inserted for the four Welsh shires, the king to be bound by demurrers, fees of courts to be made certain, penal laws to be rationalized, and recompense made for the officers of the soon-to-be dissolved court of wards.

<sup>256</sup>Foster (ed.), Proceedings 1610, II, 289-292 (20 July).

<sup>257</sup>Foster (ed.), Proceedings 1610, I, 163 (21 July). Commons Journal, I, 453.

<sup>258</sup>Foster (ed.), Proceedings 1610, I, 164-165 (23 July).

<sup>259</sup>Lords Journal, II, 661-662.

<sup>260</sup>Foster (ed.), Proceedings 1610, I, 166.

<sup>261</sup>Foster (ed.), Proceedings 1610, I, 159.

devided.<sup>262</sup> Had the Great Contract endured, that would have been the story's end. But the long parliamentary debates had aired deeply conflicting political attitudes and beliefs that demanded reconciliation. The frantic search after a binding statement of agreement and rush to add more points of ease were telling evidence that 'This great contract between the King and the kingdom is concluded but not finished'.<sup>263</sup> At the last, there remained Salisbury's ominous statement: 'I long to hear my master say he approves it.'<sup>264</sup>

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'I marvel that you should make a doubt for your assurance,' Salisbury challenged the Commons, 'I leave it unto you whether the king may not bind himself by an act of parliament. I know not what an act of parliament may not do.'<sup>265</sup> The question of assurance, whether there could be a secure and binding agreement between James and his subjects, was the rock on which the Great Contract foundered. The Commons resolved that assurance could only be by act of parliament, 'in such sort as by the advice of my Lords, the Judges, shall be thought sufficient both for his Majesty's annual revenue by this contract and also for the people's security.'<sup>266</sup> Salisbury expected stable support would ultimately be established in the provisions for its levy while assurance was never contested in Caesar's long brief evaluating the Contract.<sup>267</sup> However, the peoples' security preoccupied the lower house: 'with what cords we shall bind Sampson's hands, that is to say his Majesty's prerogative'.<sup>268</sup> Members would have agreed readily with Salisbury's assessment of an act of parliament's strength, but they lived under a cloud of political practices and statements which undermined their assurances.

The Great Contract was not the first instance of examining the relationship between the king's prerogatives and the law. Members had already faced the issue with purveyance in 1606. Those debates simultaneously took place on levels of political philosophy and

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<sup>262</sup>PRO SP 14/56/42, fol. 136r ([24 July], 1610).

<sup>263</sup>Foster (ed.), *Proceedings 1610*, II, 290.

<sup>264</sup>Foster (ed.), *Proceedings 1610*, II, 289.

<sup>265</sup>Foster (ed.), *Proceedings 1610*, I, 66 (20 April).

<sup>266</sup>Foster (ed.), *Proceedings 1610*, I, 159 (21 July).

<sup>267</sup>Lindquist, 'Great Contract', 644-648 makes much of the problems of levy, but from *Lords Journal*, II, 662 it is clear that its mechanics had never been part of the agenda during the session.

<sup>268</sup>Winwood, *Memorials*, III, 194.

practical governance which proved contradictory. In the case of purveyance, Salisbury and the Lords favoured composition while the Commons preferred legislation which enforced existing statutes. The Lords and judges defended against any bill by arguing 'that the statutes for Purveiors doe not bind the King', a position tantamount to bringing purveyance within the compass of James' absolute prerogative.<sup>269</sup> The composition arguments reveal the crippling disjunction at work in the Lords' defense. Francis More favoured composition, but would leave the details of security in the bargain to the judges.<sup>270</sup> Nicholas Fuller rounded on the notion. He had heard Justice Popham argue the inability of statute to bind James' prerogative in purveyance. Until the 'judges do directly affirme wee may have security lett us not talke of Composition,' Hare argued. But for the judges to oblige was to make acceptable Hare's own bill. Bacon argued the king could voluntarily dispense with purveyance as not being 'essentiall and inseperable' to his kingship while James intervened on the third day of debates to commend the question to the judges' hands.<sup>271</sup> This brought a sharp response. If '36 laws hath not helped us, one more will not ease or availe us,' answered Edwin Sandys, while if they should 'compound for the incomberance and oppression we might by the same reason also be drawen to compounde for removing anie other greavance.'<sup>272</sup> When Hare's bill was allowed to pass to further the subsidy and debated in the Lords, the judges became the issue. Hare reported their conference with the Lords, including Popham's affirmation of the king's prerogative in purveyance.<sup>273</sup> Fuller fought Popham, but he stood firm and 'delivered one Iudgment in all mens opinions of dangerous consequence, that the prerogative was not subiect to law, but that it was a transcendent above the reach of parlement.'<sup>274</sup> When the 'Iudges overruled all on the prerogative side' for purveyance against statute, they and the

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<sup>269</sup>Willson (ed.), *Bowyer 1606-1607*, 60; Croft, 'Purveyance', 27.

<sup>270</sup>Willson (ed.), *Bowyer 1606-1607*, 60.

<sup>271</sup>Willson (ed.), *Bowyer 1606-1607*, 65-66.

<sup>272</sup>Willson (ed.), *Bowyer 1606-1607*, 71.

<sup>273</sup>Willson (ed.), *Bowyer 1606-1607*, 120.

<sup>274</sup>Willson (ed.), *Bowyer 1606-1607*, 121; PRO SP 14/20/36, fol. 82v.

Lords destroyed the logical basis of security in any composition between James and his subjects.<sup>275</sup>

In explicit fashion, the Commons had confronted the practical challenges of binding the prerogative by statute. They were unable to find an effective formula and the judiciary stood against their attempts. The dispute over John Cowell's law dictionary, The Interpreter, renewed the issue in 1610.<sup>276</sup> A number of Cowell's definitions and commentaries irritated members.<sup>277</sup> 'That the English king was 'above his law' as an absolute monarch and therefore 'to bind the prince to or by the laws were repugnant to the nature and constitution of an absolute monarchy' particularly struck at assurance. James had no choice but to respond to assertions which so angered members and intervened before any resolution could be had on Cowell's punishment. James 'had as absolute power as ever any monarch in this kingdom ... [and] taketh himself tied unto no elected power', but was careful to assert 'the marriage between law and prerogative is inseparable and like twins they must joy and mourn together, live and die together, the separation of the one is the ruin of the other.'<sup>278</sup> The common law was 'the counsellor of his actions with which he will always consult in the course of his government'.<sup>279</sup> For its boldness, Cowell's book would be suppressed by proclamation.<sup>280</sup>

Tenures presented an opportunity for James to answer lasting concerns of his sympathy for ideas like Cowell's.<sup>281</sup> The royal philosopher contrasted the general power of kings in their likeness to gods and fathers with that of the 'setled and established State' of the English crown.<sup>282</sup> In general, subjects were bound to supply their king's necessities; in England that was a parliamentary process for which they were presently assembled. The

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<sup>275</sup>PRO SP 14/20/36, fol. 82v; Croft, 'Purveyance', 31-32. Burghley had opposed similar legislation by Hare in 1589 because the bill restrained the prerogative on both theoretical and practical grounds. Dean, Parliament 1584-1601, 80-83.

<sup>276</sup>For discussion of Cowell, Sommerville, Politics and Ideology, 121-127; Burgess, Ancient Constitution, 149-155; Linda Levy Peck, 'Kingship, counsel and law in early Stuart Britain', J. G. A. Pocock, Gordon J. Schochet, and Lois G. Schworer (eds.), The Varieties of British Political Thought, 1500-1800 (Cambridge, 1993), 91-94.

<sup>277</sup>Foster (ed.), Proceedings 1610, II, 37-39.

<sup>278</sup>Foster (ed.), Proceedings 1610, I, 29, 31; Foster (ed.), Proceedings 1610, II 50; Gardiner (ed.), Debates 1610, 24.

<sup>279</sup>Foster (ed.), Proceedings 1610, II, 51.

<sup>280</sup>Foster (ed.), Proceedings 1610, II, 49; Larkin and Hughes (eds.), Proclamations: James I, 243-245.

<sup>281</sup>King James VI and I, Political Works, ed. Sommerville, 180.

<sup>282</sup>King James VI and I, Political Works, ed. Sommerville, 181-184.



present times called for the careful distinction between the 'state of King's in their first originall, and betweene the state of settled Kings and Monarches.' Every 'just King in a settled Kingdome is bound to obserue that paction made to his people by his Lawes, in framing his gouernment agreeable thereunto'. Good kings, unlike tyrants, lived within the bounds of their laws and James never doubted that he above all good kings would be remembered for having 'his Lawes duly obserued'. James also restated the axiom with which he protected his prerogative: 'I wil not be content that my power be disputed vpon: but I shall euer be willing to make the reason appeare of all my doings, and rule my actions according to my Lawes.' The practical extension of this stance came in James' insistence that members dispute the abuses of government, not its legal establishment.<sup>283</sup> While some members stuck at liberal allusions to God and kingship, the majority found it agreeable.<sup>284</sup> James had articulated the prerogative's duality and his willingness to 'maintain a clear distinction between his authority in essence, and his actual legal authority in domestic affairs', but the practical challenge of assurance had yet to be faced.<sup>285</sup>

Members confronted the decision in Bate's case after a lengthy contest in which James warned them against disputing his prerogative or that legal judgment.<sup>286</sup> Impositions were defended by Chief Baron Fleming as being part of the king's absolute prerogative, exercised by the king in his estimation of the public good, and incontestable.<sup>287</sup> Argument revolved around whether the subjects' trade goods constituted their property and fell within the purview of common-law or, as Fleming argued, were commodities trafficked on the high seas, 'beyond the territorial jurisdiction of English common-law', and therefore subject to the absolute prerogative in an area where the common-law held authority.<sup>288</sup> While it might be argued 'that impositions were less a form of taxation than a means of regulating trade', it was disingenuous to the point of incredibility.<sup>289</sup> Revenue drove their introduction and

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<sup>283</sup>King James VI and I, Political Works, ed. Sommerville, 190-191.

<sup>284</sup>Foster (ed.), Proceedings 1610, II, 59n2.

<sup>285</sup>Burgess, Ancient Constitution, 155.

<sup>286</sup>Foster (ed.), Proceedings 1610, II, 82-118.

<sup>287</sup>Guy, 'English Constitution', 74-76.

<sup>288</sup>Burgess, Ancient Constitution, 141-142.

<sup>289</sup>Sommerville, Politics and Ideology, 152.

exploitation. Consequently it was difficult for members not to view impositions as taxation without consent and an attack on the subjects' property rights.<sup>290</sup> The bill against impositions which finally passed the Commons reflects the primacy of this concern, declaring 'that by the laws of England no impositions could be lawfully laid by the king upon the subjects' goods but by consent in parliament.'<sup>291</sup> The danger of not enacting such a statement of principle was to accept those aspects of Fleming's decision which gave monarchs an absolute prerogative to impose upon merchandize and effectively create a precedent for taxation without consent which might be extended and upheld by the judiciary.

When 'the powder was spent on both sides', in Dudley Carleton's words, members had been unable to make either case in a matter so 'intermixed with proofes of divers natures: records, Acts of Parliament, judiciall acts, arguments legall, &c.'<sup>292</sup> The Commons' framed a petition which asserted parliament's sovereign power of 'taxing or imposing upon the subjects' good or merchandises'.<sup>293</sup> James' predecessors had confirmed these rights in statute and members asked him to follow their examples with the abolition of all impositions set without parliamentary assent and a law to prohibit the same course in future.<sup>294</sup> Salisbury answered by asserting James was warranted by law, precedent, and the judges decision in Bate's case: 'I know not what he should have more.'<sup>295</sup> Salisbury was unlikely to have responded otherwise, but his explanation of why impositions were set is more interesting. He argued the merits of necessity from reason of state, a position evaluated by Dorset and in which he concurred: 'it was then thought no ill counsaile to preferre the former project of Impositions as the best temporarie remedie for those charges which were like to come on too fast to attend a Parliament, rather then to make choice of extending the King's prerogative for raising of money any other waie upon the subjects, or to make benefitt by any rigorous prosecution of penall lawes, much less to fall upon monopolies and other vaine projects

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<sup>290</sup>Sommerville, *Politics and Ideology*, 152-154.

<sup>291</sup>Foster (ed.), *Proceedings 1610*, II, 165 (17 July, 1610).

<sup>292</sup>Foster (ed.), *Proceedings 1610*, II, 250n1; Gardiner (ed.), *Debates 1610*, 98.

<sup>293</sup>Foster (ed.), *Proceedings 1610*, II, 266 (7 July).

<sup>294</sup>Foster (ed.), *Proceedings 1610*, II, 267.

<sup>295</sup>Foster (ed.), *Proceedings 1610*, I, 131; Gardiner (ed.), *Debates 1610*, 154-162.

devised by bankrupts and hatched in prisons.<sup>296</sup> Salisbury's hypocrisy was courageous not least because he and Dorset had long employed penal laws, monopolies, and projects. Necessity was the crux. 'I am sure,' Salisbury avowed, 'if they knew your Majesty's necessity they would, were they in my place, do as I do, let them think of me as they please. I assure myself I shall be freed from being either an Empson or Dudley. From my heart do I wish that impositions and the necessity thereof might end with this parliament, and so your Majesty, your issue and estate were well and needed not these means.'<sup>297</sup> But impositions were not temporary measures to answer short-term difficulties.<sup>298</sup> Fiscal necessity bore them, ensured their continuance, and an Exchequer judgment which the Commons refused to accept 'legitimated' the practice.

Stronger thinking was behind the defense of purveyance in 1606. The consistent argument of the Greencloth had been that fiscal necessity absolved them from obeying the statutes.<sup>299</sup> Necessity placed their actions outside the purview of statute. Salisbury maintained that the king's necessities would not allow any course with purveyance but composition.<sup>300</sup> This was not simply James' personal necessity. Salisbury and Northampton openly argued in 1610 that necessity produced a hydra of dangers which members had an obligation to repair with 'such supply as may make this state both safe and happy.'<sup>301</sup> The Commons understood Salisbury to mean that the 'King and the Prince must live in honour and plenty, if not in plenty, not in safety. If not in safety, we not in plenty.'<sup>302</sup> Northampton praised the Commons' care of James' wants as a manifestation of their 'care of the public good'.<sup>303</sup> The argument being advanced was that the public good required that the king's fiscal estate be sound, the flip-side being that a 'body more consumed than nourished would not be durable, but a febris must necessarily follow.'<sup>304</sup> Among his fellow Lords, Salisbury

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<sup>296</sup>Gardiner (ed.), *Debates 1610*, 156. Attorney-General Hobart explicitly defended impositions by reason of state during the Commons' debates. Foster (ed.), *Proceedings 1610*, II, 199.

<sup>297</sup>Foster (ed.), *Proceedings 1610*, I, 133.

<sup>298</sup>HH Salisbury Ms 118, fol. 144v.

<sup>299</sup>Croft, 'Purveyance', 17-18.

<sup>300</sup>Croft, 'Purveyance', 26-27.

<sup>301</sup>Foster (ed.), *Proceedings 1610*, II, 24.

<sup>302</sup>Foster (ed.), *Proceedings 1610*, II, 35.

<sup>303</sup>Foster (ed.), *Proceedings 1610*, II, 40 and 39-45 generally.

<sup>304</sup>Foster (ed.), *Proceedings 1610*, II, 44.

stated simply that 'True necessity must be satisfied and not disputed.'<sup>305</sup> James was equally blunt: 'The supply of the king is the good of the people'.<sup>306</sup> The attainment or preservation of the public good, *salus populi*, was the purpose of the king's absolute prerogative.<sup>307</sup> If the public good required the king's necessities be supplied, the fiscal implications were ominous and would seem to have been demonstrated in policies and attitudes concerning purveyance and impositions.

The Commons' depth of uncertainty over legislating the prerogative came forward in their first work on tenures. Their initial offer stipulated the conversion of all tenures to common socage, thereby wholly extinguishing those tenures by which wardship and other feudal incidents accrued to the king.<sup>308</sup> Beaulieu reported to Trumbull the wariness that moved this demand, their 'fear of being circumvented in their Contract; because they hold this Matter of the Wardships to be so fast annexed to the King's Prerogative, as that it cannot be wholly seperated from it, but by the extinguishment of the Tenures whereby he doth hold them'.<sup>309</sup> However, James was determined to retain the honour and rank inherent to the different tenures. Chief Justices Popham and Edward Coke expounded on the details of the offer and Coke argued that wardships and incidents were common prerogatives which subjects also possessed and could therefore be legislated away without extinguishing the tenures.<sup>310</sup> The Commons debated the Lords' position, fearful that by retaining the tenures 'the old law of wardships might again be called to life', but relented in the face of James' resolution.<sup>311</sup> However, they were adamant the 'judges and the King's counsel that be actors in this business be named in the act of parliament, their memory to be recorded to all posterity.' Fears of adverse judicial interpretation were behind the Commons' assertion in their memorial that 'the Extent of every Article that is desired for the Good of the Commons,

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<sup>305</sup>Foster (ed.), *Proceedings 1610*, I, 69 (26 April). Another version records: 'When I shall carry to the lower House a demand of 6,000,000 [sic] li. supply and 2,000,000 [sic] li. support, I must go furnished with good reason. I think this reason is necessity, which must be relieved.' Foster (ed.), *Proceedings 1610*, I, 218.

<sup>306</sup>Foster (ed.), *Proceedings 1610*, II, 106.

<sup>307</sup>Guy, 'English Constitution', 75.

<sup>308</sup>Foster (ed.), *Proceedings 1610*, I, 53-54.

<sup>309</sup>Winwood, *Memorials*, III, 145.

<sup>310</sup>Foster (ed.), *Proceedings 1610*, I, 56-60; 64-65.

<sup>311</sup>Foster (ed.), *Proceedings 1610*, II, 70.



in this great Contract with His Majesty, should be expounded and explained, in all Clauses doubtful, by the House of Commons, according to their true Meaning.<sup>312</sup> Determinations to extinguish tenures and assume adjudicative primacy were driven by the belief that the present political climate made legislating the prerogative problematic.

The entwined issues of legislating the prerogatives and necessity legitimizing its absolute component's exercise in fiscal policy point up that the Jacobean polity had no accepted or effective means to compel the king to obey the law.<sup>313</sup> Members had the pronouncements of James, the judges, and their colleagues to affirm this. They need not turn to the king's writings for this position, only hear his words of warning against disputing his prerogative power to lay impositions.<sup>314</sup> To their argument that impositions stood as a precedent against taxation without consent, James answered (like Fleming in 1606) it was tantamount to suggesting 'that because a king may do in excessive manner, therefore he shall not do it at all'. Beware of such arguments, James warned: 'You must not set such laws as to make the shadows of kings and dukes of Venice.' Necessity was explicit. How, James asked, could it be a 'fit matter to dispute taking away 70,000li. a year from me when you are called to consider of supply and support for me? I have expounded my necessities myself and my Treasurer at large to you, and the first devise and dispute is what to take from me.' He avowed that only 'some extraordinary necessity' would cause him to lay further impositions and then only after he had taken counsel of his parliament, but he would reserve the final judgment to himself. As for the Contract specifically, James answered: God grant it never do me nor my posterity good to resume that which I once bargain for.<sup>315</sup>

This was the James of Basilikon Doron and Trew Law who took counsel of his subjects in the debate of public good and policy only at his discretion; the king who promised at his coronation to advance the common weal, but denied it was a contract which made him answerable to any one but God for his kingship. Thomas Wentworth went away from James' speech 'exceeding sad and heavy ... that he saw nothing in that speech any way to restrain the

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<sup>312</sup>Lords Journal, II, 661-662.

<sup>313</sup>Burgess, Absolute Monarchy, 18-20 presents a counter argument.

<sup>314</sup>Foster (ed.), Proceedings 1610, II, 100-107.

<sup>315</sup>Foster (ed.), Proceedings 1610, II, 106.

power of imposing, even upon our lands and goods, our property, but we must be still at the mercy (for the moderation therein) of a good and gracious king.<sup>316</sup> Subjects could only hope their king would be a good king. This was the Jacobean polity's inherent contradiction, that it could neither compel the king to act for the public good nor define *salus populi* and necessity independently of him. Richard Spencer understood when he spoke against composition for purveyance in 1606: 'no security can be given from the king. For as saied he as love is only betweene equalls in some degrea or measure so contracts and if such a contract be broken on the Kings side there is no remedy [but] to sue by petition. And if a law passe on that behalfe no man can forbid the King to dispence with it.'<sup>317</sup> When necessity compelled the king to break their contract, Mr. James asserted, 'when our greavances notwithstanding continue, if wee be greaved for breach, and that wee are notwithstanding trobled with purveiors ... for south wee have tied the King to condicions which he cannot keepe'.<sup>318</sup> Significantly, the member of parliament and Francis Bacon were in agreement that the king could, by his absolute prerogative, dispense with statutes in cases of necessity.<sup>319</sup>

Members in 1610 had three months during which to reflect on the Great Contract and the problems and challenges of contracting with their king and binding his prerogatives. Much depended upon that resolution of James' for which Salisbury longed to hear. By the time members returned in October, they had sounded out their countries and established the criteria by which their trust in James' performance of the Great Contract's provisions would be satisfied.

## VI

Lords and Commons demonstrated little alacrity in returning to work after their recess.<sup>320</sup> Like members, Salisbury and Caesar spent the summer evaluating the bargain. Salisbury apparently called for copies of both memorials just before departing for Holdenby

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<sup>316</sup>Foster (ed.), Proceedings 1610, II, 108.

<sup>317</sup>Willson, Bowyer 1606-1607, 66.

<sup>318</sup>Willson, Bowyer 1606-1607, 67.

<sup>319</sup>Burgess, Absolute Monarchy, 87-88.

<sup>320</sup>Foster (ed.), Proceedings 1610, I, 251-252; Foster (ed.), Proceedings 1610, II, 295-297 and 387-388.

where he was to meet James.<sup>321</sup> At the same time, Caesar comprehensively evaluated the Contract on fiscal and political grounds.<sup>322</sup> The Contract had been agreed hurriedly amidst a confusion of additional propositions and they were sizing up the project.<sup>323</sup> James' involvement in this process is indeterminate and largely circumstantial. Some of James' reservations and demands delivered in the Fall session dove-tailed with those of Caesar and it would have been uncharacteristic for him to have remained disinterested. What will become clear is that Salisbury, Caesar, and James were very nearly of one mind on the Contract, with one substantial exception. Salisbury was willing to bargain for a better deal.<sup>324</sup> James was not.

Salisbury's study of the Commons' memorial left him concerned that it 'containeth much ambiguity with reference to *addendo*, *diminuendo*, etc.'<sup>325</sup> The tardiness of both houses in perfecting the Contract compounded his concern. In conference with the Commons, Salisbury was angry with what he took to be a coolness on their part, rehearsing James' continuing necessity and arguing the benefits of the Contract, tasks which he had not believed would be necessary to repeat.<sup>326</sup> Waving their memorial, Salisbury called it 'a contract and no contract, for a power is left to add, diminish, and explain; which you may tell me is a good towardness and an entrance to bargain, but it is no binding bargain.' Speaking for himself and the Lords, Salisbury seconded James' position: he was not 'so enamored with it as to yield to all your desires, and to cram the child is the way to choke the child.' James' message was clear. They must have a speedy and binding conclusion 'or the body perishes, it

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<sup>321</sup>The response to Salisbury's request is PRO SP 14/57/12, fol. 18r-18v (10 August), 1610. He wrote Caesar on 9 August of his departure for Holdenby; he seems to have left that day or the following. BL Additional Ms 36767, fol. 280r-281v. On 6 August, Lake, Suffolk, Worcester, and Knollys were at Holdenby; Lake was sent on to Kirkby with letters for James; Suffolk wrote Salisbury on 7 August that he, Worcester, and Knollys would wait at Holdenby for James' arrival and attend him until Salisbury arrived. It appears James did not in fact reach Holdenby before 11 August, after Salisbury's arrival there. SP 14/57/5, fol. 8r-9v (5 August, 1610; Lake to Salisbury from Holdenby); SP 14/57/7, fol. 12r-12v (6 August; Lake to Salisbury from Holdenby); SP 14/57/8, fol. 13r-14v (7 August; Lake to Salisbury from Kirkby); SP 14/57/9, fol. 15r-15v (7 August; Suffolk to Salisbury from [Holdenby]); Additional Ms 36767, fol. 282r-283v (11 August; Salisbury to Caesar from [Holdenby]).

<sup>322</sup>BL Lansdowne Ms 151, fol. 125r-139v (17 August, 1610); Lansdowne Ms 151, fol. 32r-46v is a misfoliated draft of the former; the proper sequence of folios is 40r-41v, 32r-39v, 42r-46v.

<sup>323</sup>HH Salisbury Ms 206, fol. 80r-80v.

<sup>324</sup>Foster (ed.), *Proceedings 1610*, II, 301.

<sup>325</sup>Foster (ed.), *Proceedings 1610*, I, 252 (23 October, 1610); *Lords Journal*, II, 661-662.

<sup>326</sup>Foster (ed.), *Proceedings 1610*, II, 297-300 (25 October).

grows on so fast to a consumption'; if the determination was not had in the present session, 'you shall never have another session for this contract.' 'The longer you are about it,' Salisbury warned, 'the more will the King's affections kindle against the contract.'

Salisbury seems to have had another agenda with the speech, testing the waters to see if he could move the Commons to increase their offer for support. Caesar's brief undoubtedly provided the impetus behind this. The document is a conundrum which has elicited various suppositions from historians.<sup>327</sup> Harking back to his classical education and civil law training, Caesar examined the Contract's fiscal and political dimensions with gravity.<sup>328</sup> By pro-contra debate he hoped to establish the utility of such an unprecedented reform. Caesar answered his own questions, but took the unusual step of having his analysis copied by a scrivener. There seems little doubt, in the context of their partnership and friendship, Caesar did this for Salisbury's benefit. Salisbury seems to have started his journey back to London on 15 August, intending to meet Caesar that coming Saturday (18 August).<sup>329</sup> The brief was composed on the 17th. Conventional scholarship has assumed both copies were essentially the same product. In fact, Caesar revised his original after the scrivener's work. It is difficult not to imagine Caesar and Salisbury—each man possessed of a copy—spending much of their Saturday meeting discussing the brief, with Salisbury's criticism being found in the shape of Caesar's corrections. Further, unfinished notes among Salisbury's papers were drawn from Caesar's brief and more closely reflected his revisions than the scrivener's original.<sup>330</sup>

The amendments cast the Contract in a more favourable light and showed greater realism about fiscal alternatives.<sup>331</sup> Optimistic retrenchments were replaced with vague references to unspecified abatements.<sup>332</sup> The original posited no clear gain by £200,000

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<sup>327</sup>Hill, Bench and Bureaucracy, 173-177; Lindquist, 'Great Contract', 638-642; Smith, 'Crown, Parliament', 124; Prestwich, Cranfield, 41-45.

<sup>328</sup>Hill, Bench and Bureaucracy, 5-10; Quentin Skinner, Reason and Rhetoric in the Philosophy of Hobbes (Cambridge, 1996), 19-65.

<sup>329</sup>BL Additional Ms 36767, fol. 284r-285v (13 August, 1610); HH Salisbury Ms 196, fol. 14r-14v (15 August, 1610); also Hill, Bench and Bureaucracy, 176-177.

<sup>330</sup>HH Salisbury Ms 206, fol. 80r-80v (undated).

<sup>331</sup>Gardiner (ed.), Debates 1610, 164-179 reprinted the clean copy. I have found no evidence that Hill, Lindquist, Prestwich, or Smith read the actual manuscript copies. They uniformly cite and quote from Gardiner's transcription. If the originals were consulted, Caesar's post-facto amendments and the document's misfoliation did not attract attention sufficient to warrant mention.

<sup>332</sup>BL Lansdowne Ms 151, fol. 41v, 32r-32v [misfoliated] and 33v.



support, but the revision assessed revenues to be parted with and their possible improvements tougher and arrived at a gain of £50,000; £100,000 if improvements were excluded.<sup>333</sup> The conclusions were still discouraging. The deficit for ordinary and extraordinary charges had grown from £150,000 to £200,000 thanks to Prince Henry's establishment and revenues lost through redress of grievances, particularly impositions.<sup>334</sup> Even with the Contract, the crown was short of the support it required by at least £100,000. Caesar was pessimistic about getting more: 'certainely, they will never bee p[er]swaded to any yerely support further then they have offered already'.<sup>335</sup> Salisbury probably agreed with his friend, but thought it was worth another attempt.

James' necessity remained and Salisbury put that case before the Commons with inflated numbers, hoping--yet again--to move them to assist. Sounding much like James in the last session, he carped that the consequence of their demands in grievances and impositions was to deprive the king of £60,000, if 'then instead of addition there be subtraction, this is preposterous, regarding the King's necessity'.<sup>336</sup> Members might retort the 'he had it not all of right', but James had it '*de facto* and hath lost it'.<sup>337</sup> Further, his debts had risen from £300,000 to £500,000 (a padding of Caesar's figures by £100,000). These circumstances challenged James' position 'that the substance of it should not pass except the maxim of the King be observed who resolves never to be a poor king upon this contract and yet is poorer than he was.' Salisbury hoped members would draw the obvious conclusion, that James needed more from them, which, from his focus on impositions, must include a refusal of their impositions bill. However, he cautioned they were deceived if they believed

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<sup>333</sup>BL Lansdowne Ms 151, fol. 125r-125v and 40r-40v. Caesar generally excluded the possible improvements to the revenues being lost and settled on the Contract's net value as £100,000. Lansdowne Ms 151, fol. 44v. The assessment in HH Salisbury Ms 206, fol. 80r gives a net gain of £98,000, far closer to Caesar's revised figure of £100,000 than his earlier drafts of first £65,000, then £45,000, and finally £85,000. Lansdowne Ms 151, fol. 40r.

<sup>334</sup>HH Salisbury Ms 206, fol. 80r gave the same figures of £50,000 and £100,000 for the ordinary and extraordinary deficits respectively. The other lost revenues were from seacoals, part of the pre-emption of tin, logwood, and alehouses. BL Lansdowne Ms 151, fol. 41r. The original gave the total as £48,000. Lansdowne Ms 151, fol. 126r.

<sup>335</sup>BL Lansdowne Ms 151, fol. 32v.

<sup>336</sup>Foster (ed.), *Proceedings 1610*, II, 300. Caesar estimate the losses were £50,000. BL Lansdowne Ms 151, fol. 41r.

<sup>337</sup>Foster (ed.), *Proceedings 1610*, II, 300-301.

that because the king's wants multiplied their desires should also. James needed more, but was unlikely to yield more in exchange.

Salisbury looked to the most compelling argument in the brief to coerce the Commons. He would not say James' case was so dire that he could not subsist without parliament. Salisbury protested he did not speak 'by way of menace', but the consequences of failure must be faced: 'I am no physician to anatomize the King's wants; but except you redeem the things which before I speak of, they must be more pressed than they have been.... I do not say the King shall send you an Empson and a Dudley, but this I say, the King must not want ... he must not lack to please you. If a ward fall it will cost you more than it hath done.' By positing the king's subsistence without support, Salisbury was countering his central argument with James for the past two years, but reflecting the conclusion of Caesar's brief: 'I trust yo[w] are satisfied that the king is not in such extreme need of the Co[m]mons helpe to relieve his p[re]sent wantes, but that he can by his owne meanes & w[i]thout taking any desperate course relieve hi[m]selfe.'<sup>338</sup> The brief's central political defense to such a course was that James' in using his prerogative rights wronged no one and Salisbury's conclusion echoed this: 'the King will not do injustice to his subject; he will not do all he may do. But more than he hath done he must do'.<sup>339</sup>

A week later, having largely ignored Salisbury's prodding to recognize fiscal realities, James weighed in. The last session was consumed in 'nothing but joy and acclamations, the other half in nothing but *ejulatus* and grievances.'<sup>340</sup> All the time his estate 'lay a-bleeding' and 'he could not abate his expenses nor cut his coat according to his cloth because he could not know his cloth till the parliament was done'. Their grievances had also taken £30,000 from his revenue and their lingering plunged him deeper into debt. James demanded a resolution: 'The conclusion is this, I speak to you as a king to his subjects; lay this ground at your next sitting together; resolve upon the giving me an answer affirmative or negative to your memorial and then whatsoever you shall offer to me I shall be ready to hear.... I have offered you a bargain, look into it, and then to what you as dutiful subjects shall present me'.

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<sup>338</sup>BL Lansdowne Ms 151, fol. 35r.

<sup>339</sup>BL Lansdowne Ms 151, fol. 35v; Foster (ed.), Proceedings 1610, II, 300-301.

<sup>340</sup>Foster (ed.), Proceedings 1610, II, 309-311 (31 October).

The Commons' offer of £200,000 was well known. That James framed his demand as waiting to hear their offer indicates he, like Salisbury, was hoping for a better one. The Commons deferred an answer and James took the initiative, determined to spell things out in the plainest terms.<sup>341</sup> It defied fiscal common sense that he would proceed with the Contract except that he received supply **and** support. Did not the last session open with a demand for the 'entire repair of his wants and establishing of his estate'? Had matters not moved to support only after he received a 'general promise' of supply?<sup>342</sup> No man, James affirmed, 'can be so weak in himself nor so easy to be abused as to conceive that that was a relinquishment of the matter of supply.' James demanded £500,000 as the price of continuing with the Contract: could he entertain, much less conclude a bargain which did not preserve his estate and posterity from present and future difficulty?; was that possible 'without a large supply of treasure and yearly revenue'?

The language is oblique, but James' sudden demand for supply was probably a response to his own realization that Salisbury had given up hope of getting it. Caesar's brief addressed future supply, but the pro-Contract position expressed serious doubts while the contra voice went to great lengths to explain how the debt could be paid without it. The proposition asked whether 'w[i]thout p[ro]ceeding in the s[ai]d co[n]tract, or giving the[m] better co[n]tentment in their p[ro]posed greiva[n]ces, yo[w] shall be hable to drawe fro[m] them one peny more for yo[u]r supply.'<sup>343</sup> Grievances were the real key, the pro-voice positing 'It may well bee, that his Ma[jes]ty, by yealding the[m] co[n]tent in some of their grieva[n]ces, wherein they are not yet satisfied w[i]th the late answeres may win fro[m] the[m] 3 subsidies & 6 fifteenths'.<sup>344</sup> Caesar's contra-position was clearly sceptical of those preconditions and provided instead a complex series of projects and sales for royal lands to service the debt.<sup>345</sup> Salisbury had been tellingly silent on supply throughout the last session and had even protested his detachment from James' peremptory demand in May.<sup>346</sup> Experienced in

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<sup>341</sup>Foster (ed.), Proceedings 1610, II, 313-316 ([6 November]).

<sup>342</sup>The Commons' resolution on this point had been vague enough that James may well have had grounds for interpreting it as a promise. Commons Journal, I, 403.

<sup>343</sup>BL Lansdowne Ms 151, fol. 41v.

<sup>344</sup>BL Lansdowne Ms 151, fol. 32v.

<sup>345</sup>BL Lansdowne Ms 151, fol. 33v-35r.

<sup>346</sup>Foster (ed.), Proceedings 1610, II, 132-133.

confronting a debt triple that of the present one and armed with Caesar's suggestions for a non-parliamentary solution, Salisbury may have been content to forgo that aspect of the project, but James was not. However, James' unwillingness to return to grievances ensured he could not meet Caesar's preconditions.<sup>347</sup>

The Commons' irresolution unleashed James' abrupt demand for supply, but it was a consequence of their coming to grips with satisfactory security in the bargain. Members made redress of grievances the test of their assurance, their ability to bind the prerogative, and the measure of the trust which they could place in James' to frame his kingship according to the law and public good. To Salisbury's address, Maurice Berkeley had risen and opined that it was something other than lacklustre attendance which explained their backwardness.<sup>348</sup> Berkeley wished that 'the first thing we do be to call for the King's answers to our grievances and if we find the answers satisfactory we may then with cheerfulness go on with the contract.' His argument was entangled, but acute: 'if we find them short of our expectation and not satisfactory in points where nothing but law is demanded, when this bargain is made, we can have a law made for our security. And if we find we may not be sure of that, what courage can we have to go on to the bargain?' Berkeley was almost certainly referring to their bill against impositions, first requested in the petition of grievances, and presently laying unread in the Lords. He was among the most outspoken critics of James' treatment of their grievances after supply had been voted in 1606 and pointed to it as a sign of the king's bad-faith. Fuller seconded Berkeley and the house brushed aside George More's plea on James' behalf to perfect their memorial and pass it.

In pursuing this course, Berkeley and the house were observing a resolution which had been laid out in the previous session. Sandys informed Salisbury in the session's dying hours that four things of importance remained for the Contract including 'the grievances satisfied and the contract perfected.'<sup>349</sup> Samuel Calvert certainly held that understanding in his letter to William Trumbull: 'it will be pressed to have the King bound to banish all

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<sup>347</sup>Foster (ed.), *Proceedings 1610*, II, 311.

<sup>348</sup>Foster (ed.), *Proceedings 1610*, II, 305 (27 October).

<sup>349</sup>Foster (ed.), *Proceedings 1610*, I, 161 ([21 July]).



grievances in consideration of the Royal contribution of £200,000 yearly.<sup>350</sup> James' answer to the grievances were called for immediately, but Bowyer stalled their copying and delivery from the Lords.<sup>351</sup> James' Halloween demand for an answer on the Contract interrupted, but members refused to delay the reading until after the king's address. James understood what the Commons were doing with the grievances and attacked their course in his message: 'It may be objected that you will be ready to relieve the King's necessities; but withal you would hear an answer to your grievances. In the former session I was not only content to hear, and to promise to make answer to your grievances before the end of the parliament, but I did give you an answer; now to require this again is actum agere, to tread upon my feet.... I am sure I have answered you in all. I know not whether I have pleased you but it befits you therefore to give me an answer.'<sup>352</sup>

The Commons spent two days in debate on James' demand and reached the compromise position of deferring a direct answer but perfecting their memorial as Salisbury had first entreated.<sup>353</sup> Members were moved by the authority of James' demand for an answer, including the likes of Berkeley and Brooke, but strong voices challenged the king over grievances.<sup>354</sup> Edward Duncombe believed there existed no possibility of answering James without first examining grievances; 'If there be a jealousy that the justice of the kingdom hath been stop[p]ed, then there may be some jealousy in this too, therefore remove away this jealousy.' 'Doubt is upon security', argued Thomas Wentworth, 'If the King have a power over the laws, we cannot have security, therefore we must see if the law can bind the King, then it may be.' Fuller argued that seeing the law properly executed with impositions, the ecclesiastical commission, and the Welsh shires was the foundation on which they could proceed in security. Member Hyde reminded his colleagues that they retained the power of addition and proposed to include impositions in the Contract and to 'have in our bargain a declaration of the law of England in point of impositions and other such things.' John

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<sup>350</sup>HMC Downshire, II, 328 (22 July).

<sup>351</sup>Foster (ed.), *Proceedings 1610*, II, 305.

<sup>352</sup>Foster (ed.), *Proceedings 1610*, II, 311 (31 October).

<sup>353</sup>Foster (ed.), *Proceedings 1610*, II, 312 ([3 November]).

<sup>354</sup>Foster (ed.), *Proceedings 1610*, II, 392-400 (2 and 3 November).

Hoskyns offered a prophetic alternative: 'we shall fall into the pursuit of the memorial and so answer the King that we are in hand with it.... If this the King will, it is that that will make us believe we shall have good security hereafter.' It was precisely James' peremptory demand against that course which triggered the collapse. The speakers who made a difference in responding to James' ultimatum all stuck at grievances. Pretenses of consensual language gave way to candor in their speeches and reveal the underlying conflicts of principle. Subsidies were not of the greatest concern to Brooke, who did not want to see the bargain break for that reason and believed, tellingly, that if James could not supply his necessity 'with the right hand, he would take it with the left.'<sup>355</sup> But if impositions were not included in the bargain it was better to break and leave the king to impose alone rather than assess the subject for support **and** see impositions continue.<sup>356</sup> Mr. James, who had spoken strongly against composition in 1606, became passionate that 'so long as an arbitrary power of government (of impositions, of proclamations) shall remain, what heart can we have to go on to the business?'<sup>357</sup>

If there was a defining moment in the Great Contract, it came in the speech of Thomas Beaumont, who preceded Mr. James. They were undone both ways in the bargain, either the king's necessity went unsupplied or the subject was impoverished. They could not agree with the king, but 'if we break, what shall we think can become of us, when even as things now stand our liberties are infringed... Is it now held inconvenient to speak for confirmation of that Charter which our ancestors got with much sweat and blood?' 'Notwithstanding so many laws as have been made that no imposition shall be set without assent of parliament,' Beaumont charged, 'are not impositions set voluntarily and maintained to be just? In the case of purveyance wherein 36 laws were made to restrain it, is it now an undutiful speech to name the word law?' Beaumont was incapable of believing in security for their bargain and the obscure MP made his case in words oft-quoted: 'The walls between the King and us are the laws and if he and his ministers shall leap over them or break them down,

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<sup>355</sup>Foster (ed.), *Proceedings 1610*, II, 317; Gardiner (ed.), *Debates 1610*, 129.

<sup>356</sup>Gardiner (ed.), *Debates 1610*, 129.

<sup>357</sup>Foster (ed.), *Proceedings 1610*, II, 319.

what have we to secure us?' If impositions were put down, the levy reasonable, and 'all our grievances drawn in together into the contract,' Beaumont's constituents were 'willing to give 200,000li. a year and also to give some present supply.' Whether Beaumont truly brought the voices of his country into the Commons is unknown, but he spoke for many members who agreed, 'I think not 5 voices excepted', that they could not proceed in the Great Contract according to James' demands.<sup>358</sup> Roger Wilbraham recorded what must have been a common sentiment at the Contract's collapse: 'the Commons never treated further of that contract, the most of them doubting, those great royalties were never intended to be abolished.'<sup>359</sup>

These events must give us pause to reconsider the revisionist orthodoxy offered by Conrad Russell on parliaments and politics, most recently in his discussion of the Addled Parliament.<sup>360</sup> That failed assembly alone, Russell contends, manifested genuine constitutional conflict.<sup>361</sup> Further, conflict in 1614 was not between 'rival constitutional ideas', but one 'almost exclusively centered on royal claims to raise money.'<sup>362</sup> Accordingly, this constitutional dispute over impositions--every bit as disputed in 1610 as in 1614!--had 'little chance of developing [into] a serious argument between prerogative and the rule of law when James was as certain he was legally in the right as the Commons were.'<sup>363</sup> Yet that is precisely the question members unsuccessfully confronted with purveyance, naturalization, impositions, and tenures in James' first parliament. Nor could they effectively address that question when presented with the potentially contradictory and ill-defined nature of the dual prerogative and when, as Russell perceptively remarked concerning impositions, 'both sides were so firmly convinced that they were legally in the right that they never fully absorbed that the other party thought differently.'<sup>364</sup> Whether this represents a 'constitutional' conflict per se is a sterile argument over an historiographical shibboleth. Rather, in the Jacobean polity--taken on its own terms--this was something potentially insoluble--and perilous: the

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<sup>358</sup>Foster (ed.), Proceedings 1610, II, 319.

<sup>359</sup>Foster (ed.), Proceedings 1610, II, 320n.

<sup>360</sup>Russell, Addled Parliament.

<sup>361</sup>Russell, Addled Parliament, 5-6, 25-26.

<sup>362</sup>Russell, Addled Parliament, 26.

<sup>363</sup>Russell, Addled Parliament, 7.

<sup>364</sup>Russell, Addled Parliament, 7.

inability to correspondingly interpret an agreed body of political principles, not least concerning the relationship between the law and the king's prerogatives. These incongruities of both principle and practice within fiscal policy, seen in matters like impositions, purveyance, and projects generally, were compromising the performance of governance.

The question was really a simple one in the Great Contract. Would James be good to his word embodied in an act of parliament? James told parliament in 1604 that 'The righteous and iust King doeth ... acknowledge himselfe to bee ordained for the procuring of the wealth and prosperitie of his people' and that he would 'ever preferre the weal of the body, and of the whole Common-wealth, in making of good Lawes and constitutions, to any particular or priuate ends of mine'.<sup>365</sup> Were that the extent of James espoused philosophy, members in 1610 would have answered the question affirmatively. But there was another: 'although I haue said, a good king will frame all his actions according to the Law; yet is hee not bound thereto but of his good will, and for good example-giuing to his subiects'.<sup>366</sup> Which James would give the royal assent to the act for support? Ellesmere may have derided it, but, reflecting on James' first parliament, he recognized the Commons' stance: 'there was no hope to have any security for the same, because they sawe that their grievances were not answered and lawe & Iustice was denyed theym'.<sup>367</sup>

Redress of grievances were members' assurance in Salisbury's great contract for endowment. On a practical level redress tested James' good faith against the precedent of 1606. But redress also embodied the reaffirmation of parliamentary counsel, the subjects' means of participating in questions of policy affecting the commonweal.<sup>368</sup> The dogged defense of the prerogative by James, his ministers, and the judiciary over purveyance, impositions, and naturalization had to be answered. Satisfying the Commons' grievances, particularly that of impositions, would demonstrate that statute could bind the prerogative, the

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<sup>365</sup>King James VI and I, Political Writings, ed. Sommerville, 142-143.

<sup>366</sup>King James VI and I, Political Writings, ed. Sommerville, 75.

<sup>367</sup>HHL Ellesmere Ms 2599. This same position was staked out after the proclamation dissolving parliament. A Record of Some Worthy Proceedings in The Honorable, Wise, and Faithfull House of Commons in the Late Parliament (London, 1611) [STC 7751]; A Memorable Speech In The Hovse of Commons 1611 (London, [1641]) [STC 7740], 8; an edition of Some Worthy Proceedings which omits the compiler's preface; Larkin and Hughes (eds.), Proclamations: James I, 257-258 (31 December, 1610).

<sup>368</sup>King James VI and I, Political Writings, ed. Sommerville, 155-158.



law could stand against the demands of fiscal necessity, and the king could be compelled to act for the public good. James could not, would not provide that demonstration of trust, of consensus. Speaking of security during the Union debates, James avowed 'yee need neuer doubt of my inclination: For I will not say any thing which I will not promise, nor promise any thing which I will not sweare; What I sweare I will signe, and what I signe, I shall with Gods grace euer performe.'<sup>369</sup> 'I would heartily wish,' James intoned, 'my brest were a transparent glasse for you all to see through that you might looke into my heart, and then would you be satisfied of my meaning.'<sup>370</sup> In 1610, grievances were the glass by which the Commons hoped to look into the king's heart, but James refused their desires and in so doing shattered Salisbury's refoundation of the monarchy.

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<sup>369</sup>King James VI and I, Political Writings, ed. Sommerville, 178.

<sup>370</sup>King James VI and I, Political Writings, ed. Sommerville, 162.

## CHAPTER 6

# Northampton, Ellesmere, and Conciliar Fiscal Policy (1611-1617)

### I

'Now that the parliament hath left your Majesty to stand upon your own foundation, fixed only upon the firm and lasting pillars of your ancient powers and profits ... it is not now a work to repair some small defects, but to raise a new building'.<sup>1</sup> Salisbury thus described the fiscal situation following the failure of 1610 while he glumly confessed, 'I be not able to recover your estate out of the hands of those great wants, to which your parliament hath now abandoned you, seeing that place hath ever been the only foundation of supply to those princes whose necessities have been beyond the cares and endeavours of private men.'<sup>2</sup> Particularly from 1611-1617, James and his ministers confronted Salisbury's twin challenges of making his estate self-sustaining and effecting repairs without parliamentary revenue. It was a prolonged attempt to find the balance between funding governance and meeting the demands of the patronage culture. This was the constant element in a period of fiscal policy which became increasingly conciliar and episodic: Salisbury and Caesar coping with the wreckage of 1610; Northampton, Caesar, and the treasury commissioners revisiting the great project initiatives of 1608-1609; the stupor and disinterest of Suffolk as lord treasurer and the usurpation of policymaking by other councillors and ministers; Ellesmere's attempts to overhaul finance and revive parliamentary revenue; the abortion of Ellesmere's program and a conciliar push for budgets and surpluses. This chapter will analyze the attempts of these policy regimes to master familiar fiscal difficulties.

### II

Caesar composed the financial assessment which underpinned Salisbury's counsel for James in January 1611.<sup>3</sup> The debt was £400,000 and the deficit of ordinary expenses

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<sup>1</sup>Croft (ed.), 'Several Speeches', 312 (23 January, 1610[1611]).

<sup>2</sup>An early draft of this address, corrected by Salisbury, described parliament as 'the publicke fountain as yet so dry'. HH Salisbury Ms 140, fol. 224v.

<sup>3</sup>BL Lansdowne Ms 165, fol. 138r-139v (2 January, 1610[1611]; reviewed and amended 12 October, 1611).

£140,000.<sup>4</sup> As the principal cause of the debt, curing the deficit was the key. Retrenchment was 'the safest & most durable meanes' of cutting the deficit and Caesar posited £74,000 in savings after comparing current expenses with those of 1602;<sup>5</sup> the cofferer, wardrobe, chamber, and navy accounted for the majority. Salisbury was at pains--again--to impress on James that he must embrace retrenchment and make it a reality with his regal authority.<sup>6</sup> He also discoursed on an issue crucial to retrenchment in the offices of state: the administration of the chief officers within the patronage culture. Caesar proposed that they 'carefully examine, whether that it bee not faisable' to effect his proposed savings.<sup>7</sup> Salisbury then pressed James to hold officers accountable for preventing charges in the first place, insist they present him with quarterly comparisons of charges, and force them to 'yield you a reason for it'.<sup>8</sup> We 'have not in our hands or heads the power of prevention', Salisbury reminded James and wished he and Caesar be exonerated for the failings of officers at the sources of expense. Salisbury effectively illustrated the problem of administrative officers with vested interests in avoiding retrenchment. The failure of such officers to further the cause of reform in 1617 produced a decisive alteration in fiscal policy, but, until then, Caesar's collegial approach remained prevalent.<sup>9</sup>

The cousins to these officials were the officers of the receipt who had charge of improving revenues. As much as increasing charges, Caesar looked to enhance the percentage of revenues which James realized by reducing administrative ignorance and personal peculation. Improvement was possible with 'due regard that the subiect bee not oppressed, w[hi]ch may iustly bee, where the subiect shall pay no more then before, but all paymentes shall run to the right centre of the kinges coferes.'<sup>10</sup> Caesar had in mind improvements in the great farm of the customs and sweet wines, casualties, accounts of receivors general and sheriffs, and, particularly, the wards. Salisbury placed responsibility

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<sup>4</sup>BL Lansdowne Ms 165, fol. 138r.

<sup>5</sup>BL Lansdowne Ms 165, fol. 158r-159v (20 December, 1610) and Lansdowne Ms 165, fol. 148r-149v (16 January, 1610[1611]; reviewed and amended 16 January, 1611[1612] and 26 April, 1614); Croft (ed.), 'Several Speeches', 315.

<sup>6</sup>Croft (ed.), 'Several Speeches', 314-315.

<sup>7</sup>BL Lansdowne Ms 165, fol. 138r.

<sup>8</sup>Croft (ed.), 'Several Speeches', 316-317.

<sup>9</sup>Below, 223-227.

<sup>10</sup>BL Lansdowne Ms 165, fol. 138r-138v.

for these improvements squarely on the administrative shoulders of himself, Caesar, and the Exchequer barons.<sup>11</sup> Projects which were not 'contrary to the lawes nowe in force, or iustly distastefull to the people' must supply the remaining £30,000 of the deficit.

Extraordinary, non-recurring expenses had averaged £100,000 annually since 1603. Caesar left extraordinaries in time of war or in peace for the 'necessity, co[n]veniency or honour of the king or kingdome ... to the greate wisdom of the Parliament, to who[m] it apperteineth.'<sup>12</sup> As for extraordinary expenses of 'pleasure or bountie', Caesar wrote, 'I knowe not in all the world what meanes may bee thought on to beare the burden' save the £40,000 annually received in repayment of the Dutch loans, but unless they were stopped, they 'will prove more inco[n]venient to the king & state, then I dare speake or thinke at this present.' Salisbury had no such luxury when facing James and repeated in much abbreviated form his earlier arguments to judge suitors on merit and utility while pressing the king to rule once and for all on grantable suits.<sup>13</sup> The situation worsened by October, when Caesar reviewed his memorandum.<sup>14</sup> The deficit had increased by £20,000 while nothing had been accomplished with abatements, improvements, or new revenues. £100,000 was added to the debt and Caesar resorted to counselling land sales to finance it while deriding ideas to pay pressing debts by more borrowing.

However, no foundations of a settled fiscal state were laid before Salisbury's death because policymaking and decisionmaking were in flux.<sup>15</sup> The most pronounced factor was a withdrawal by James on a personal and political level from both the wider political establishment and his English ministers.<sup>16</sup> James, an individual of intense feeling, was personally wounded and embittered by English xenophobia, the failure of refoundation in parliament, and his councillors' partisanship in refusing to punish incendiary speakers in the

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<sup>11</sup>Croft (ed.), 'Several Speeches', 314.

<sup>12</sup>BL Lansdowne Ms 165, fol. 138v-139r.

<sup>13</sup>Croft (ed.), 'Several Speeches', 314-315.

<sup>14</sup>BL Lansdowne Ms 165, fol. 138r-139v.

<sup>15</sup>PRO SP 14/61/33, fol. 61r (26 January, 1611).

<sup>16</sup>James' reaction to the cold reception of Salisbury's planned composition with the counties for purveyance is indicative of his estrangement: 'by this doubtfulness of the shires to holde their compositions or to compound he seeth the great cause he hath to wish ill to the last lower howse who have been the cause to take all respect of the king and his Councill out of his peoples myndes.' PRO SP 14/63/29, fol. 39r (12 April, 1611).



Commons during the last days of the 1610 session.<sup>17</sup> James' revealing letter to the council speaks of dejection over much more than impolitic speeches: 'we could not but have wondered greatly what more uniuſt complantes they could have found out then they have alredy, ſince we are ſure no howſe ſave the howſe of hell could have found ſo manie ... Onely we are ſory of our ill fortune in this cuntry, that having lived ſo long as we did in the Kingdome where we were born we came out of it with an unſtained reputation and without anie grudge in the peoples hartes but for wanting of uſ. Wherein we have miſbehaved our ſelfe here we know not nor we can never yet learn.... Our fame and actions have been daylie tossed like tennice bals amongſt them and all that ſpite and malice durſt doe to diſgrace and infame uſ hath been uſed. To be ſhort this lower howſe by their behaviour have periled and annoyed our health, wounded our reputation, emboldened all ill natured people, encroched upon manie of our priviledges and plagued our purſe with their delays. It onely reſteth now that yow labor all you can to doe that yow thinke beſt to the repairing of our eſtate. And as for the repairing and clearing of our hono[u]r we will ourſelf thinke ſpecially there uppon and at o[u]r return acquaint you with o[u]r thoughtes therein.'<sup>18</sup>

James retreated behind the walls of the bedchamber, ſhielded by his Scottiſh kiſsmen and firſt favourite in England, Robert Carr.<sup>19</sup> This occurred at the very moment Salisbury moſt required James' political authority infuſing fiſcal policy. James ultimately preſided over the patronage culture and it was only poſſible to retrench it with his deciſive involvement. As Salisbury reminded the king, any ſettled fiſcal eſtabliſhment muſt receive its 'whole eſſence from your Maſteſty, (being the very ſoul thereof)'.<sup>20</sup> Only James poſſeſſed the incontestable authority to decide on Caesar's and Salisbury's counſel, demand their policies of retrenchment and improvement be implemented, and perſonally ſtem his ſilver ſtream of bounty (both directly and with a book of bounty). Two factors made James' political engagement more urgent. Salisbury's failure as parliamentary manager had triggered rounds of court politics aimed at undermining him.<sup>21</sup> Henry Neville preſented James with the

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<sup>17</sup>HH Salisbury Ms 147, fol. 162r-162v (7 December, 1610).

<sup>18</sup>HH Salisbury Ms 147, fol. 162v.

<sup>19</sup>Cuddy, 'Entourage', 208-214; Cuddy, 'Union', 116-119.

<sup>20</sup>Croft (ed.), 'Several Speeches', 314-316.

<sup>21</sup>HH Salisbury Ms 128, fol. 78r-79v; Cuddy, 'entourage', 208-214.

first of his undertaking proposals for parliament in 1611--'so as my Lord Treasurer would not intermeddle'<sup>22</sup>--and Northampton zealously curried favor with Carr throughout the year.<sup>23</sup>

Yet it is surely wrong to assert, as Neil Cuddy does, that James had 'ditched' Salisbury by 1610.<sup>24</sup> If 1610 precipitated Salisbury's eclipse, it was not as James' minister but as the pre-eminent broker of patronage. If factions and individuals were poised to carve up 'Cecil's inheritance' it was because his offices had become so highly politicized for their patronage possibilities--a development for which Burghley and Salisbury must accept much of the onus.<sup>25</sup> No one sought Salisbury's legacy for the responsibilities of governance that went with it as Suffolk's tenure as lord treasurer amply demonstrates. Fiscal policy remained his domain. Even a focus on patronage may overstate the situation.<sup>26</sup> There are significant indications of Salisbury's undiminished importance. He managed the marriage negotiations for Princess Elizabeth, received the silk farm worth £7000, and remained beset by suitors after 1610.<sup>27</sup> Taken together, these diverse forces demonstrate the limitations of too closely identifying the politics of patronage with governance.

It was Salisbury's terminal illness that increasingly left a policymaking vacuum, one which particularly demanded James' stamp of authority if fiscal challenges were to be faced. George Carew handled much of the daily administrative work of the secretaryship and Caesar 'effectively assumed the Lord Treasurer's duties: beginning 7 December, 1611.'<sup>28</sup> Salisbury made temporary improvements, but he and James met in early February 1612 in what may have been a moment of personal reconciliation. Content with the 'visitation to his humble servant', Salisbury assured James 'that if he had bene now as sick as he is whole (some dreggs of paine in his arme excepted) ... this roiall voice of visitation (like visitatio beatifica) would have given new life to those Spirits w[hi]ch are ready to expire for yo[u]r service'.<sup>29</sup> But both men looked to the future: 'I have receaved now ye dispatch from ye new secretary ... I find

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<sup>22</sup>HMC Buccleuch, I, 102.

<sup>23</sup>PRO SP 14/65/26, fol. 44r-45v and Peck, Northampton, 30-33.

<sup>24</sup>Cuddy, 'Entourage', 208.

<sup>25</sup>Guy, Tudor England, 437-440.

<sup>26</sup>Eric Lindquist, 'The Last Year of the First Earl of Salisbury, 1610-1612', Albion 18 (1986), 30-36.

<sup>27</sup>Croft, 'Jacobean court', 145-146.

<sup>28</sup>Hill, Bench and Bureaucracy, 184; BL Lansdowne Ms 156, fol. 446r-447v (14 February, 1611[1612]).

<sup>29</sup>PRO SP 14/68/59, fol. 107r (9 February, 1612).

yo[u]r matters in him so well disposed, as you shall have no cause to doubt mistakings betweene ye old and new Robin.<sup>30</sup> Salisbury's physical decay coupled with James' political alienation left fiscal policy at low ebb.

### III

The 'death of the littele man for which so many reioise and so feawe doe so much as seem to be sory'--the harshest of Northampton's many unkind words for Salisbury in the months ahead--mandated the institutional changes created by vacated offices.<sup>31</sup> James, who fancied himself 'prettelie skilled in the craft', installed himself as *de facto* secretary; much of the work load was actually taken up by Rochester (Carr).<sup>32</sup> Northampton was the logical successor to the treasurership, but never attained it, not a little from his own hesitation: he would not accept it before the entire state of crown finance was thoroughly examined and then only if he was absolved of responsibility for anything prior to taking office.<sup>33</sup> Further, like the secretaryship, it symbolized the heart of Salisbury's patronage influence and was too politically charged to be disposed in 1612.<sup>34</sup> James borrowed from his Scottish experience with the Octavians and reconstituted Salisbury's authority in a treasury commission.<sup>35</sup> Northampton and Caesar were joined by Suffolk, Worcester, comptroller Wotton, and Lord Zouch.<sup>36</sup> In practice Northampton assumed Salisbury's place in the old partnership with Caesar and the two guided policy in collaboration with their fellow councillors, a bastardized form of conciliarism.<sup>37</sup>

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<sup>30</sup>PRO SP 14/68/59, fol. 107r. There is uncertainty about just which new Robin Salisbury was referring to. Mary Everett Green provisionally identified him as Robert Naunton in *CSPD 1611-1618*, 119. Citing the calendar, this has been upheld by Naunton's most recent biographer. Roy Schreiber, *The Political Career of Sir Robert Naunton* (London, 1981), 4. Perhaps Salisbury was actually referring to Robert Carr. The study of Salisbury's 'secretariat' does not identify Robert Naunton as a member of it, which would seem to raise uncertainty about Naunton's 'appointment', particularly as Salisbury had a well developed secretariat of eight men at the time of his death; the need to bring in an outsider does not seem obvious. Smith, 'Secretariats', 481-482 and 493-495. Regardless, the individual is not as important as recognition of the change itself.

<sup>31</sup>PRO SP 14/69/56, fol. 70r (26 May, 1612). The mastership of the wards went successively to George Carew (1612), Walter Cope (1612), William Knollys (1614), Lionel Cranfield (1618), and Robert Naunton (1624).

<sup>32</sup>Cuddy, 'Entourage', 209; PRO SP 14/69/67, fol. 107v.

<sup>33</sup>Peck, *Northampton*, 31 and 95; PRO SP 14/69/71, fol. 114r.

<sup>34</sup>See Hill, *Bench and Bureaucracy*, 185-187.

<sup>35</sup>The treasury commission was formally appointed on 17 June, 1612.

<sup>36</sup>PRO SP 14/69/71, fol. 114r.

<sup>37</sup>Caesar 'was of the quorum. Anything done by him, with any one or two of the others, had the force of the entire commission.' Hill, *Bench and Bureaucracy*, 186.

Caesar chronicled the broad outline of treasury commission counsel and policymaking until June 1613.<sup>38</sup> James received Caesar's report of his finances following Salisbury's death which confirmed the deficit and debt remained £160,000 and £500,000 respectively.<sup>39</sup> Caesar repeated what he and Salisbury had counselled in January 1611, that abatements, improvements, and new revenues must address the deficit. However, parliamentary revenue was strongly offered for the deficit while Caesar left it as the only possibility for the debt, crossing through an original suggestion that the present entail of lands to the crown be broken up and sold. Caesar asked James to consider whether new projects alone would be sufficient to supply their wants. Parliament must play a role if they were inadequate and he cautioned against their introduction before an assembly.<sup>40</sup> Caesar concluded with broad considerations before a parliament including its timing, choice of members, demands to be made, the content of any reciprocal retribution, the stumbling blocks of the last session and their amendment, opening discussions with probable 'principall members of yt[that] house' to further James' business (undertaking), and whether the aid for Princess Elizabeth should be pursued in parliament or outside it.

James mused upon Caesar's declaration and afterwards summoned his treasury commissioners, councillors, and son, putting the councillors on notice that he expected their complete support for the commissioners.<sup>41</sup> However, James seems to have been disturbed by Caesar's conclusions supporting parliament. Rather remarkably given Caesar's expertise, James commanded Prince Henry and the lords to examine the memorandum and Caesar was questioned at length 'how hee could iustifie that state of expe[n]ses & debtes'. Following Henry's work, James directed Caesar and his fellow commissioners to examine 'the s[ai]d estate & to advise wherein his Ma[jes]ty might abridge his expe[n]ces or improve his revenewe or increase the same by newe p[ro]iectes & to acquaint hi[m] w[i]th their p[ro]ceedings at his retourne fro[m] his p[ro]gresse.' James had rejected Caesar's counsel by setting a policy agenda in which parliamentary revenue played no part. Projects must fully

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<sup>38</sup>BL Lansdowne Ms 165, fol. 223r-227v (1 June, 1613).

<sup>39</sup>Caesar's memorandum for James is BL Lansdowne Ms 165, fol. 211-212v (1 June, 1612).

<sup>40</sup>According to BL Lansdowne Ms 165, fol. 223r, Caesar was blunter about this than the memorandum would indicate.

<sup>41</sup>BL Lansdowne Ms 165, fol. 223r-223v.



serve the turn. The message was clear to Caesar and Northampton who took up James' injunction once they met immediate demands by selling lands and pursuing Princess Elizabeth's aid.<sup>42</sup>

Northampton viewed Salisbury's death as an opportunity for a fresh-start in crown finance and painstakingly sought to advance James' estate, particularly with the expert information and advice of individuals like Cotton and Cranfield.<sup>43</sup> Projects were central and a subcommission headed by Caesar (including ministers like Hobart, Bacon, and Baron Sotherton) spent six full weeks considering then anatomizing projects for new and improved revenues.<sup>44</sup> The four categories of projects evaluated were concealments (assarts, defective titles, surrounded grounds, tithes out of parishes, encroachments), unimproved revenues (estates entailed, wastes and commons, coppices and underwoods, old houses and castles), tenurial incidents and other casualties (by-rents and other obscure fees, perquisites of courts, outlawries, alienations, issues royal, the mint), and all-too familiar 'newe' projects (busses, usury, apprentices, starchmaking).<sup>45</sup>

Salisbury would have found nothing original about these projects, but conciliar policymaking produced an examination qualitatively different from the great project lists of 1608-1609. Where Salisbury and Caesar met together and evaluated projects for their own benefit, the subcommissioners needed a written instrument appropriate for informing and counselling their superiors in detail. Consequently each project was presented with an estimate of its probable profitability, the grounds of the estimate, advice for its execution or further study, and reasons for the same.<sup>46</sup> Particular attention was given to projects which were legal and deemed unlikely to cause political antagonism.<sup>47</sup> Significantly, the commissioners adjudged their projects needed time to bear fruit and admitted the report only

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<sup>42</sup>BL Lansdowne Ms 165, fol. 223v.

<sup>43</sup>Peck, Northampton, 94-100.

<sup>44</sup>The commissioners also included Chancellor of the Duchy of Cornwall Thomas Parry, George Carie, George More, and Walter Cope. PRO SP 14/70/38, fol. 83r.

<sup>45</sup>BL Cotton Ms Cleopatra F VI, fol. 71r-77v (18 September, 1612); Caesar's draft is BL Lansdowne Ms 165, fol. 207r-210v and clean copy is BL Additional Ms 10038, fol. 6r-10v; Thirsk, 'Crown as projector', 299-316 is an effective summary of the report except for the absence of discussion about the new projects.

<sup>46</sup>BL Cotton Ms Cleopatra F VI, fol. 71r.

<sup>47</sup>BL Lansdowne Ms 165, fol. 224r-224v.

represented initial work. Further examinations of accounts and experts would be required and many projects contained no estimates of possible revenues.<sup>48</sup>

While the subcommissioners were engaged with projects, Northampton was working apace. Northampton's letters to Rochester throughout the summer and fall show him burdened by the cloth dispute with the Netherlands, examining projects for copper farthing tokens and starch, working on the aid, bullion questions, trading matters, the French debt, Ireland, and the customs farms—among more routine business!<sup>49</sup> While he might abuse Salisbury as the 'littell limiter', Northampton soon came to appreciate the burdens of being a pre-eminent minister.<sup>50</sup> Management responsibilities and fiscal demands took time away from policymaking and forward thinking and Northampton came to rely on Cotton for such counsel. Northampton received Cotton's long treatise on the crown finances late in September and his marginalia testify to the attention he gave it, as well as the many projects which Cotton compiled at this time.<sup>51</sup> As we earlier used Cotton's work to understand the financial system, so Northampton enhanced his own knowledge and studied the policies of his predecessors.<sup>52</sup> Once the subcommissioners reported, Caesar and Northampton spent the ensuing weeks drawing together the treasury commission's work and crafted their counsel for James.<sup>53</sup> The commissioners' formal presentation seems to have been overtaken by the arrival of the Elector Palatine (16 October) and the onset of Henry's final illness and death (6 November), events from which James' attention could not be drawn until the prince's burial early in December.<sup>54</sup>

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<sup>48</sup>PRO SP 14/70/83, fol. 170r ([September?], 1612; Northampton to Rochester).

<sup>49</sup>PRO SP 14/70-71 (Northampton's letters to Rochester; CSPD 1611-1618, 140-152).

<sup>50</sup>Peck, Northampton, 84-100; BL Cotton Ms Titus C VI, fol. 88r-146v.

<sup>51</sup>BL Cotton Ms Cleopatra F VI, fol. 41r-51r (25 September, 1612).

<sup>52</sup>Peck, Northampton, 113-117 effectively evaluates this document; also Sharpe, Robert Cotton, 113-150. Dietz offered a judgment of Cotton's work revealing of the fundamental weaknesses of his study: 'there is extant his copy of Cotton's "Means to Repair the King's Estate", the first half of which is annotated at great length in Northampton's own hand. One cannot blame him for abandoning this tedious performance in the middle, for he certainly learned nothing from its precedents, which had no value in connection with the new situation which had arisen.' As for the subcommissioners, Dietz concluded their labours justified 'the popular notion of their utter incapacity.' Dietz, Public Finance, 153.

<sup>53</sup>BL Lansdowne Ms 165, fol. 224r-224v.

<sup>54</sup>Akrigg, Jacobean Pageant, 133-156.

Northampton drafted the treasury memorandum and, in the company of the commissioners, personally read it for James.<sup>55</sup> With remarkable thoroughness, he detailed abatements and improvements, both those currently in progress or 'to be verie shortlie' and others 'within a while but not for the present'. The retrenchments are not particularly noteworthy, little different from those in James' first decade, with the exception of breaking up the households of the late prince and Elizabeth.<sup>56</sup> Henry's death robbed ministers of the opportunity to barter him in marriage and thereby pay James' debts, but Northampton eventually estimated valuable savings of £43,100 from his demise,<sup>57</sup> and £10,000 once Elizabeth sailed for the Palatinate. The overall tenor of retrenchment reflected the perspectives of the commissioners. Caesar's concern to provision the household with ready money and avoid costly credit purchases was prominent and subsequently found vocals champion in Cranfield and Ellesmere.<sup>58</sup> Cranfield offered Northampton spending criteria for the wardrobe which demanded genuine consideration of purchase-price and quantities procured.<sup>59</sup> Cranfield subsequently applied these strictures to the wardrobe (1618) and general expenditure as lord treasurer. Northampton was eager to revisit his abortive 1608 naval investigation, avowing that £8000 at the least could be saved, 'the corruptions and abuses beinge so many and so great'.<sup>60</sup> Finally, much like Salisbury, the commissioners urged the learned council to vet all questionable grants.

The many weeks of diversions since September provided time to complete the subcommissioners' work on projects for new and improved revenues; firmer estimates were made for many previously uncertain projects. Improvements of wardship, recusancy fines, Irish customs were added as were projects for a 3d tax on strangers goods pushed by

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<sup>55</sup>Northampton's memoranda is BL Cotton Ms Cleopatra F VI, fol. 84r-87v. Though undated the document offers the first estimated savings of breaking up Henry's household beginning with the new year, looked to savings in the works proceeding from Christmas, and clearly stated that Princess Elizabeth remained unmarried (the wedding took place on 14 February, 1613).

<sup>56</sup>For comparison BL Additional Ms 10038, fol. 310v (26 September, 1607; Caesar) and 327r-327v (24 September, 1606; Dorset).

<sup>57</sup>BL Cotton Ms Cleopatra F VI, fol. 93r.

<sup>58</sup>BL Additional Ms 10038, fol. 308r.

<sup>59</sup>CKS U269/1.Oo188 [Cranfield Ms 4704].

<sup>60</sup>BL Cotton Ms Cleopatra F VI, fol. 85r; Peck, Northampton, 152-156.

Cranfield, sale of dotard trees, and further baronets.<sup>61</sup> In the months following, these projects were refined, more added (disafforestation; dyed and dressed cloth; waterworks), and others rejected (fee-farming; revision of the book of rates; pre-emption of tobacco, pepper, salt, and other commodities; selling offices; exemption from shrievalities; ecclesiastical seal profits to the king; licensing alehouses and inns; patents of legitimation and naturalization; copper monies; clerk of the markets; usury fines; licensing apprentices; fees for coats of arms; enforcement of statutes of employments).<sup>62</sup> Caesar's estimates put the net improvement of these retrenchments and the subcommission's initial projects at £147,500 with hopes of improvements from customs and their first 'newe' projects.<sup>63</sup>

Factors which Salisbury would have found familiar undermined these efforts. Every quarter brought a rush to pay expenses which were invariably too great for revenues. Attention focused on projects for ready money and those for revenues were neglected. By June 1613, Northampton and Caesar had cut only £19,276 (works, Ireland, messengers, cofferer) and improved revenues by just £16,500, a far cry from their program's ambitions.<sup>64</sup> More revealing was Caesar's abstract of £309,681 in ready money from largely non-recurring projects which had been collected over the same period for 'ordinary wa[n]tes'<sup>65</sup> Notes made by Northampton later in 1613 show the same dynamic.<sup>66</sup> Ready money was to come from such revenue projects as surrounded grounds and the improvement of forests, parks, and chases. Northampton and Caesar were fully capable of forward-planning, but they did not possess sufficient fiscal latitude to overhaul a system which raised £22,000 for Princess Elizabeth's aid and spent £115,000 on her wedding and related festivities.<sup>67</sup>

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<sup>61</sup>CKS U269/1.OEc23 [Cranfield Ms 4137]; U269/1.OEc26 [Cranfield Ms 4166-4172]; U269/1.OEc41 [Cranfield Ms 4138, 4180, 4337, 4339, 4340]; U269/1.OEc42 [Cranfield Ms 4368, 4370-4372].

<sup>62</sup>BL Lansdowne Ms 165, fol. 225r-225v. Though part of Caesar's 1613 chronicle of the treasury commission, this project abstract was an earlier working copy which he appended. The progress of these projects and others through 1613 can be seen in BL Lansdowne Ms 165, fol. 240r-241v (17 October, 1613).

<sup>63</sup>BL Lansdowne Ms 165, fol. 225r. In the late summer of 1613, Northampton posited future abatements and improvements of £74,000.

<sup>64</sup>BL Lansdowne Ms 165, fol. 224v

<sup>65</sup>BL Lansdowne Ms 165, fol. 226r.

<sup>66</sup>BL Cotton Ms Cleopatra F VI, fol. 94v.

<sup>67</sup>The figures are BL Lansdowne Ms 165, fol. 226r; Dietz, Public Finance, 156. At estimated savings of £10,000, a decade would be required to pay off Elizabeth's wedding and finally see the budgetary benefits of her departure



They often proceeded without James' direct support or authority and the demands of the patronage culture asserted themselves. Caesar stated that unspecified amounts of their £300,000 in ready money were diverted by James to non-essential expenses.<sup>68</sup> Despite the commissioner's rejection of the copper monies project, James granted Lord Harrington a three year monopoly of the project's profits in May and a proclamation to that effect was issued on 19 June.<sup>69</sup> Such decisions against counsel might have been familiar to Salisbury, but Northampton and Caesar also confronted the interposition of Rochester between them and the king. Elizabeth's aid is revealing. The project was detailed to Ellesmere and Bacon, who worked it into shape quickly.<sup>70</sup> They reported to the council that its profitability was unenticingly low and offered recommendations on procedures for the levy.<sup>71</sup> Northampton sent 'a brefe abstracte' of their report to Rochester and a week later everything was ready, but Northampton had yet to learn James' pleasure from the favourite.<sup>72</sup> Further action wasn't forthcoming until the end of August. The commission was finally signed on 30 August after repeated explanations from Northampton.<sup>73</sup>

Abstracts, instructions, and commissions were the staples of Salisbury's packets, which he once commented James habitually devoured before the next arrived—answers and comments were usually returned to Salisbury within a day.<sup>74</sup> Bacon and Ellesmere certainly worked quickly. Northampton had the matter settled and ready for signing a week later, yet it took two full weeks and more abstracts for James and Rochester before this was done. James remained interested and attentive but once removed behind a powerful favourite. Effective solutions were not going to come out of such a process. The lesson of the treasury commission was that proto-conciliar policymaking with finance worked, but without a

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<sup>68</sup>BL Lansdowne Ms 165, fol. 226r.

<sup>69</sup>Larkin and Hughes (ed.), *Proclamations: James I*, 287-290.

<sup>70</sup>PRO SP 14/70/25, fol. 54r (Northampton to Rochester; [3 August], 1612); SP 14/70/30, fol. 65r (8 August, 1612).

<sup>71</sup>PRO SP 14/70/30, fol. 65r.

<sup>72</sup>PRO SP 14/70/49, fol. 100r (14 August, 1612).

<sup>73</sup>PRO SP 14/70/60, fol. 121r (Northampton to Rochester; [27] August, 1612); *CSPD 1611-1618*, 146; BL Harleian Ms 298, fol. 10r-12v; PRO SP 14/70/60I, fol. 123r-124v.

<sup>74</sup>Salisbury remarked at James 'being quicker at a [ett]re then the posts are w[i]th the packetts'. PRO SP 14/27/9, fol. 27r (16 April, 1607).

politically powerful lord treasurer and the fully supportive decisionmaking of James, the authority to reform crown finance remained ineffective in such demanding circumstances.

#### IV

James unenthusiastically summoned parliament in 1614 after Rochester joined the ranks of individuals like Bacon and Henry Neville in pressing for an assembly.<sup>75</sup> Despite agreement that only parliament could pay James' debts, Northampton opposed the meeting and countenanced it with dejection and little belief in its prospects.<sup>76</sup> Northampton evaluated parliament as he examined projects, the likelihood of profit and the necessary instruments, and he astutely judged that neither circumstances nor workable means were available.<sup>77</sup> The privy council postponed the question in July 1613 against Northampton's support for the commission's present course.<sup>78</sup> He did so again in September, avowing parliament 'would censure the King's modes of raising moneys' and well aware of James' lingering opposition.<sup>79</sup> Northampton's judgment was shrewd. Among their projects defective titles, assarts, alienations, and penal fines had elicited vocal opposition in the past.<sup>80</sup> Impositions remained while there was 'infinite grudge upon the Baronettes' and privy seals exacted in 1611-1612.<sup>81</sup> Nevertheless, the fiscal situation reached a crossroads of necessity and Northampton was unable to shift parliament from the agenda.<sup>82</sup>

The decision made, James' ministers turned to preparation. In this they were assisted by a range of counsel proffered in the past two years by Neville and Bacon, each eager to acquire the secretaryship by succeeding in parliament where Salisbury had failed.<sup>83</sup> Both seemingly called for a return to traditional managed parliaments and positive programs of

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<sup>75</sup>PRO SP 14/76/20, fol. 51r (Chamberlain to Carleton; 10 February, 1614); Peck, Northampton, 206-208. Views of the Addled parliament are to be found in Thomas Moir, The Addled Parliament of 1614 (Oxford, 1958); Russell, Addled Parliament.

<sup>76</sup>HHL Ellesmere Ms 2628/1; BL Cotton Ms Titus F IV, fol. 329r-332v; also Peck, Northampton, 207-208.

<sup>77</sup>Linda Levy Peck, 'The Mentality of a Jacobean Grandee', in Linda Levy Peck (ed.), The Mental World of the Jacobean Court (Cambridge, 1991), 160-161.

<sup>78</sup>PRO SP 14/74/23, fol. 44v.

<sup>79</sup>CSPD 1611-1618, 199 (22 September, 1613; John Digby's report of Sarmiento's dispatch to Phillip III).

<sup>80</sup>BL Lansdowne Ms 165, fol. 224v-226r.

<sup>81</sup>BL Cotton Ms Titus F IV, fol. 331r-331v.

<sup>82</sup>PRO SP 14/76/2, fol. 2v.

<sup>83</sup>Cuddy, 'Union', 118; Cuddy, 'Southampton', 140-141. Neville had access to James, if not influence, thanks to his friendships with Rochester and Thomas Overbury. HMC Buccleuch, I, 101-102, 112-113.

legislation—the 'ancient form' as Bacon called it—but what lay behind their rhetoric was little different from Salisbury's bargaining. Neville offered a program of concessions and Bacon focused on management and electioneering.<sup>84</sup> The crown entered the fray with large parts of what both men had proposed.<sup>85</sup> James' addresses saw him playing a lawmaking, unmerchant-like role ala Bacon and matters of grace nearly identical to those in Neville's memorial were delivered to the Commons.<sup>86</sup> Caesar had foreseen the need to remedy the last parliament's major grievances which the rose-colored schemes of Bacon, Suffolk, Somerset, and Neville left James ill-prepared to do.<sup>87</sup> Impositions contributed significantly to the breakdown because no amendment was found before parliament met. Confronted by the Commons, James defended his prerogative right.<sup>88</sup> The implications were obvious to Edwin Sandys: 'That makes us bondmen, gives us no propriety. May, by the same reasons make laws without parliament.'<sup>89</sup>

Supply and impositions were entwined and no voices to untangle them were allowed to prevail in the subsidy debates.<sup>90</sup> Members like Sandys were genuinely eager to break the deadlock and he proposed the mediation of the Lords while others, including Lake, believed a general conference should be had between the houses with James in attendance. However, impositions had become a question of right between members and James which precluded compromise and demanded absolute consensus.<sup>91</sup> When James demanded supply and threatened the Commons with dissolution, members answered that he had affirmed his

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<sup>84</sup>Bacon's proposals are BL Cotton Ms Titus F VI, fol. 334r-339v; for Neville: PRO SP 14/74/44, fol. 84r-89v; SP 14/74/45, fol. 88r-91v; SP 14/74/45I, fol. 92r-93v; SP 14/74/46, fol. 94r-95v; SP 14/74/47, fol. 96r-97v. There are many other extant copies, often fragmentary, including those in BL Harleian 3787, fol. 185r-187v and CKS U269/1.Oo214 [Cranfield Ms 4308].

<sup>85</sup>Majja Jansson (ed.), *Proceedings in Parliament 1614 (House of Commons)* (Philadelphia, 1988), xvii-xxxvi.

<sup>86</sup>Spedding, *Letters and Life*, V, 24-30 for Bacon's memorial on the King's speech and Jansson (ed.), *Proceedings 1614*, 13-19 and 43-46 for the actual speeches. PRO SP 14/74/44, fol. 94r-95v for Neville's memorial and Jansson (ed.), *Proceedings 1614*, 45-52 for the actual points of grace delivered by the King. Unfortunately, the rumour and taint of their advice helped undermine the parliament. The Commons set upon Bacon first, repaying his electioneering schemes by questioning the validity of his own place in the House as attorney general, resolving thereafter that 'no attorney general should ever serve as a member of the Lower House.' Jansson (ed.), *Proceedings 1614*, xxv. The priviledges committee investigated undertaking and Neville was forced to acknowledge his program, but it 'proved to be so innocuous, if not supportive of parliaments generally, that the subject of undertaking was immediately dropped'. Jansson (ed.), *Proceedings 1614*, xxx.

<sup>87</sup>BL Lansdowne Ms 165, fol. 212r.

<sup>88</sup>Jansson (ed.), *Proceedings 1614*, 141-142.

<sup>89</sup>Jansson (ed.), *Proceedings 1614*, 146-147; Holmes, 'Liberty, Taxation', 136-143.

<sup>90</sup>Jansson (ed.), *Proceedings 1614*, 146-159.

<sup>91</sup>Sommerville, *Politics and Ideology*, 151-155; Jansson (ed.), *Proceedings 1614*, xx-xxii.

prerogative right 'in open parliament ... Therefore, before these impositions were laid down, if they should grant the King relief it might in after ages be accounted a real confirmation of the King[']s] absolute power of imposing.'<sup>92</sup> Last minute compromises proved abortive and James resolved upon a quick dissolution.<sup>93</sup> In 1614, the conflict was insoluble: 'A grant of supply might have guaranteed the continuation of the session, but it might also have confirmed James' stance on impositions... [and] ultimately spell disaster for the institution of parliament' and the liberties of the subject.<sup>94</sup> Northampton had proved to be prophetic.<sup>95</sup>

James' circle of ministers and councillors underwent dramatic changes at this time. Parliament forced appointment of a principal secretary as mouth-piece and Ralph Winwood won the sweepstakes: 'He succeeded, however, only to a rump of the office: Carr retained both the signet and foreign correspondence, and Lake the procuring of the sign manual to bills.'<sup>96</sup> Parliament had been dissolved a week when Northampton died. Somerset assumed his major offices and Suffolk—Somerset's father-in-law—received the treasurer's staff. The Exchequer soon lost Caesar, who took the mastership of the rolls and Fulke Greville replaced him.<sup>97</sup> Greville was not inexperienced, having served as treasurer of the navy from 1598-1604, and remained at the Exchequer until the crack Richard Weston replaced him (1621).<sup>98</sup> Greville might have functioned as an able partner with a vigorous master, but Suffolk embodied the triumph of the patronage culture over governance.

Suffolk deserves objective consideration, but rehabilitation of his treasury career is fraught.<sup>99</sup> His papers, the few that survive, contain moribund projects to stem maladministration in the Exchequer, including proposals for an administrative supremo of

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<sup>92</sup>Jansson (ed.), *Proceedings 1614*, 425.

<sup>93</sup>Jansson (ed.), *Proceedings 1614*, xxxiii-xxxiv; Russell, *Addled Parliament*, 22-26 also attributes importance to the inflammatory anti-Scottish speech of Hoskins in James' decision.

<sup>94</sup>Jansson (ed.), *Proceedings 1614*, xxxiv; Holmes, 'Liberty, Taxation', 143-144; Russell, *Addled Parliament*, 15-18.

<sup>95</sup>BL Cotton Ms Titus F IV, fol. 329v.

<sup>96</sup>Cuddy, 'Entourage', 211.

<sup>97</sup>Rebholz, *Fulke Greville*, 89-180.

<sup>98</sup>Rebholz, *Fulke Greville*, 233-286.

<sup>99</sup>I am grateful to Professor Linda Levy Peck for our discussions of Suffolk. Unfortunately, little of Suffolk's correspondence is extant. It is worth remembering Thomas Wilson's earlier complaint that he had failed to obtain any papers left by Dorset and Suffolk. A small collection of Suffolk's treasury papers survived as OBL Carte Ms 121 and 123.



sorts and another which addressed Suffolk's own shortcomings.<sup>100</sup> The lord treasurer was advised to ascertain the extent to which monies had been issued by his warrant without privy seals, find a trustworthy officer to audit the weekly books to see that money was properly disbursed, and abstain from signing payment orders before the end of the week and, upon seeing the balance, pay those most in need; 'ffor yf his lo[rdshi]p shall leave that to the discrecon of any under officer, much inconvenience hath & maye growe therby.'<sup>101</sup> The subtext of administrative incompetence and corruption which would bring about his fall is evident. Suffolk's correspondence further illuminates a minister uninterested in the duties of his office and eager to avoid responsibility for them.<sup>102</sup> Suffolk's greatest service was to help run the financial ship aground with such force that James recognized the need for drastic action.

Into the vacuum that was Suffolk stepped James' councillors. The conciliarism of the treasury commissioners expanded after 1614, but not without complications with the presence of a formal lord treasurer. Focused authority was increasingly difficult because of Suffolk's venality, the distractions of patronage politics, and the emotional effect of another inflammatory parliamentary session on James, who had sincerely hope to restore a sense of goodwill with his English subjects.<sup>103</sup> The most active participants in conciliar policymaking were Ellesmere, Edward Coke, Winwood, Lake, Bacon, less obviously Archbishop Abbot, Greville, and Cranfield (once removed). Suffolk retained the honour of his position and had several projects of personal interest including those for a general pardon and the notorious alum works.<sup>104</sup> Caesar, though active in fiscal policy as a councillor, was personally content to become master of the rolls (his Exchequer tenure removed any attraction of the treasurership, nor did its political aura allow for a 'secondary' minister to attain it until Weston moved from Caesar's old post to the white staff in 1628).<sup>105</sup> In many respects, this

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<sup>100</sup>OBL Carte Ms 121, fol. 33r-48v.

<sup>101</sup>OBL Carte Ms 121, fol. 46r.

<sup>102</sup>His treasury correspondence with Caesar is telling. BL Additional Ms 36767, fol. 346r-347v (24 October, 1613), 358r-359v (21 July, 1614), 362r-363v (14 August, 1614), 364r-365v (15 August, 1614); also Peck, *Court Patronage*, 182-183.

<sup>103</sup>Jansson (ed.), *Proceedings 1614*, 143-144.

<sup>104</sup>OBL Carte Ms 121, fol. 1r-20v and 73r-82v respectively.

<sup>105</sup>Hill, *Bench and Bureaucracy*, 197-199.

period marked a return to a 'corporate management of "national" finance' by the privy council, characteristic of Elizabethan government.<sup>106</sup>

These different personalities confronted the same fiscal challenges as their predecessors and coped with practical demands in similar fashion. James returned to London in December 1614, but found so little pleasure that he quickly removed to Hampton Court.<sup>107</sup> His ministers were left to find ready money, 'w[hi]ch is a maine worke, and will hardly be compassed when the world is become so bare that there is litle superfluitie and that but in few handes; but yt is doubted we shall see strange proiects set on foote and yet all will not helpe... order is taken they say that all pensions shall cease, but for other abatements or deminishing of ordinarie or extraordinarie charge we heare of none.'<sup>108</sup> Despite being forced to emphasize projects for ready money in practice, those for new and improved annual revenues had been central to the thinking of Salisbury, Caesar, and Northampton. This was largely abandoned until 1617 with the exception of Cockayne's disastrous dyed cloth project. Even then the crown's share of Cockayne's project was conceived in terms of a £300,000 gain.<sup>109</sup>

Similar hopes attached themselves to a project for a benevolence after parliament, 'Pope' Hakewill's general pardon posited a yield of £400,000, and another which promised to raise £300,000 by 'making fifty new barrons at 6000li a peece', while the cautionary towns (Flushing and Brill) were restored to the Dutch in 1616 for £213,000.<sup>110</sup> The cautionary towns were hotly debated in council and their sale forced on James, who delayed until the last moment hoping that some other monies might be found.<sup>111</sup> The money went directly to finance ordinary outlays as Edward Sherburne informed Carleton: 'there is no money in thexcheq[uer] and those monies paid by the States, they are all alredey by his Ma[jes]tes owne direcion disposed of, save only a matter of 7 or 8000 li. w[hi]ch wilbe but sufficient for the

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<sup>106</sup>Guy, Tudor England, 312-313.

<sup>107</sup>PRO SP 14/78/79, fol. 137v (22 December, 1614).

<sup>108</sup>PRO SP 14/78/79, fol. 137v.

<sup>109</sup>Astrid Friis, Alderman Cockayne's Project and the Cloth Trade (London, 1927); Prestwich, Cranfield, 164-177; Acts 1615-1616, 456-460, 477-479, 524-525, 623-626, 658-659 and Acts 1616-1617, 7-13, 21-29, 53-61, 67-69, 108-115.

<sup>110</sup>PRO SP 14/80/1, fol. 1r (5 January, 1615); HMC Buccleuch, I, 177; Dietz, Public Finance, 158-163.

<sup>111</sup>PRO SP 14/86/130, fol. 228v (6 April, 1616); SP 14/86/134x, fol. 242r-243v (14 April, 1616); HMC Downshire, V, 457 (29 March, 1616).

progresse and other necessary expences.<sup>112</sup> Hakewill's pardon project attracted Suffolk.<sup>113</sup> He retained a number of papers on pardons and conciliar debates reflected many of the positions in them.<sup>114</sup> The proposition was simple: given the opportunity, guilty individuals would willingly compound for release from the legal consequences of their crimes—real or otherwise.<sup>115</sup> Ministers worried that this amounted to the sale of royal justice, the only precedents of general pardons were parliamentary (usually after a generous subsidy) or as shows of benevolence at accessions, and it might prove unprofitable by pardoning offences worth more through prosecution than composition.<sup>116</sup> In conciliar debate, Coke's colleagues agreed with little dissent that it was a dishonourable, 'venall' pardon with minimal utility.<sup>117</sup> Coke was 'sory for p[ro]iectes' of this sort. Councillors like Coke and Ellesmere looked to a thoroughgoing reformation in crown finance and Ellesmere proved to be the decisive voice in moving fiscal policy toward genuine reform.

V

The Addled parliament was the motive force in Ellesmere's reflections on crown finance. Preoccupation with parliamentary preparation, management, and bargaining demonstrate a conception that there existed no unassailable case to make except that James' necessities required supply. Without traditional extraordinary charges ministers effectively requested support for the costs of government, but the Commons were manifestly unwilling to underwrite unheaded grievances, mismanagement, and disagreeable policies. Whether it was Salisbury's contract or Bacon's ancient form, it was untenable to expect the Commons to purchase graces consequent upon bad government. Henry Finch tried to dispel apprehension among members in 1614 that they would actually receive little ease for supply: 'Agreed generally to relieve bountifully, cheerfully, and speedily.... Love casts out fear, our love to

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<sup>112</sup>PRO SP 14/87/55, fol. 114v (12 June, 1616).

<sup>113</sup>PRO SP 14/80/1, fol. 1r; Cranfield too toyed with pardons after the parliament of 1621. CKS U269/1.OE108 [Cranfield Ms 6]; U269/1.OE190A [Cranfield Ms 196]; U269/1.OE1689 [Cranfield Ms 4460, 6897, 7602, 7603, 7604, 7624, 8168, 8936]; U269/1.OE1528 [Cranfield Ms 8228].

<sup>114</sup>OBL Carte Ms 121, fol. 1r-20v; HHL Ellesmere Ms 445 ([June, 1615; my dating]). The dating is established by a letter in which Chamberlain informed Carleton that the project had been dismissed. PRO SP 14/80/115, fol. 181r (15 June, 1615).

<sup>115</sup>OBL Carte Ms 121, fol. 1r-2v, 15r-16v.

<sup>116</sup>OBL Carte Ms 121, fol. 5r-6v; HHL Ellesmere Ms 445.

<sup>117</sup>HHL Ellesmere Ms 445.

the King should cast fear away that the things offered should not take effect.<sup>118</sup> Thomas Crew was blunter: 'If the country possessed with the King's graces and that we are about them, the country will be willing to grant.' Too many members believed restoration of just government was James' obligation. Purveyance, impositions, and other grievances precipitated assertions that redress was due of right and not grace.<sup>119</sup> That members in 1610 had been willing to vote £200,000 annual support in exchange for fiscal reform undermines Conrad Russell's hypothesis that the Commons would never have adequately assisted in funding governance.<sup>120</sup> Rather, James had to deliver reformed government in some form and **then** put the case for supporting it to parliament.

The privy council debated fiscal options in July 1615 after James' insistence they settle his estate.<sup>121</sup> The councillors deliberated much as they and the treasury commissioners had done and their opinions, delivered 'seriatim' were multiform.<sup>122</sup> They concentrated on the traditional formula of abatements, improvements, new revenues, and recourse to parliament with Lake and Coke occupying the majority of the notes Ellesmere took.<sup>123</sup> Lake suggested a variety of projects that would increase revenues and balance the books. For James' debts totalling £700,000 Lake was ambivalent, proposing parliament or improvements of forest and parks. Ralph Winwood was characteristically blunter, convinced of the 'confusion & dissolution of the monarchy yf there be not a p[re]sent remedye' and seconded Lake's options for the debt. Ellesmere 'agreed w[i]th Coke in toto; and w[i]th Zouch & Worcester.' They spoke to Ellesmere's growing preoccupation with waste and mismanagement and shaped his reflections in the next two months. Coke targeted those who tasted James' bounty, believing all voluntary pensions should be suspended and asserting the maxim that 'no subiect to lyve on the king untill the king be hable to lyve by hymself.'

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<sup>118</sup>Jansson (ed.), *Proceedings 1614*, 66-67

<sup>119</sup>Croft, 'Purveyance', 19 and 23; Gardiner (ed.), *Debates 1610*, 127; Foster (ed.), *Proceedings 1610*, II, 398; Jansson (ed.), *Proceedings 1614*, xxii-xxiii.

<sup>120</sup>Russell, *Added Parliament*, 13-18.

<sup>121</sup>BL Harleian Ms 4289, fol. 224v and 229v; HHL Ellesmere Ms 441/1-4 [Ellesmere's pagination] (July, 1615).

<sup>122</sup>HHL Ellesmere Ms 441; for the earlier deliberations: BL Lansdowne Ms 165, fol. 211r-212v (1 June, 1612) and 223r-227v (1 June, 1613); Lansdowne Ms 487, fol. 224r-227v (11-13 February, 1614); PRO SP 14/76/23, fol. 55r-56v (16 February, 1614).

<sup>123</sup>HHL Ellesmere Ms 441/1-4.



Offensive grants and those of the king's revenues--in short, projects and monopolistic patents--were to be denied, thereby bringing their revenues directly to James' coffers instead of private purses. The silk farm should be re-negotiated, forests and parks improved, copyholds from £10-300 enfranchised, and special privy seals issued. Zouche and Worcester also favoured wastes and copyholds with something for addressing Irish expenses.<sup>124</sup> Zouche approved denials of suits like Coke, but further believed an examination should be made of lavish grants and those had under false pretenses.

Of these debates, J. D. Alsop recently wrote that Ellesmere was particularly struck by two of Worcester's points: 'Abatements maye make his state equall' and the oft-repeated sentiment 'the leake in the cesterne to be stopped.'<sup>125</sup> 'Rightly or wrongly,' asserts Alsop, 'this was the immovable centre of Ellesmere's position on Crown finance in 1615'.<sup>126</sup> He never accepted his colleagues' opinion that James' debts could only be paid by parliament; for Ellesmere 'parliament was unnecessary'. Alsop's dichotomous position does not allow for the far-reaching nature of Ellesmere's proposals and discounts the Chancellor's own statements of wider principle too readily. Not least is Alsop's apparent failure to notice that among Coke's opinions with which Ellesmere agreed 'in toto' was that 'the crowne was nev[er] maynteyned by the ordinarye but helped by p[ar]lem[en]t'.<sup>127</sup> Ellesmere was also an unwavering defender of parliamentary pardons and their utility for inviting supply versus Hakewill's project.<sup>128</sup>

Ellesmere's personal notes are explicit: 'matters first to be dealt w[i]th, for paym[en]t of the debtes &c. In these specially note these 6. Abating/ Examyninge gyftes & grauntes/ the boke of rates/ Imposicons and therby to equalle the balance of exportacon & importacon/ and by putting some lawes in execucion.... And then a p[ar]lement but not before somewhat be done in these thinges'.<sup>129</sup> Ellesmere's wider perspective concluded his formal program:

When all or some of the thinges before mencioned shall be begunne & in doinge, as namely the abatinge &c, the amendinge of the boke of Rates, the reforminge of the Imposicions &c,

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<sup>124</sup>HHL Ellesmere Ms 441/3-4. Zouche wanted 'somewhat from Scotland to helpe' a proposal which Wotton turned into a suggestion for a Scottish parliament in September 1615, BL Harleian Ms 4829, fol. 228r.

<sup>125</sup>Alsop, 'Fiscal Reform', 199-200; HHL Ellesmere Ms 441.

<sup>126</sup>Alsop, 'Fiscal Reform', 200.

<sup>127</sup>HHL Ellesmere Ms 441/2.

<sup>128</sup>HHL Ellesmere Ms 445.

<sup>129</sup>HHL Ellesmere Ms 2507; Ellesmere completed only five points.

the putting in execucon of some of the statutes before mencioned, then yt wyll be requisite to calle a p[ar]lement, And yt is not to be doubted, but his Maj[es]tes good and lovinge subiectes, seinge this course taken by his Maj[es]tie, wylle wyllingly & cherefullye yelde large contribucon & ayde, by subsidies, tenthes, fyftenes & otherwyse.<sup>130</sup>

After a summer spent crafting a thoroughgoing fiscal program, there is no reason to discount Ellesmere's statements of its relationship to parliament because the theme appears 'in a second-from-last paragraph.'<sup>131</sup> 'Thinges to be considered of before a Parliament to be called' were precisely that.<sup>132</sup>

Ellesmere took it upon himself to untie the Gordian knot of fiscal policy and parliament following the abject failures of 1610 and 1614. Like Bacon, Ellesmere wrote angrily of Salisbury's perversion of the normal parliamentary course in 1610 and the resulting disjunction between King, Lords, and Commons.<sup>133</sup> The Commons had 'growne bygge & audacious ... [the] causes of callinge of the parlement, which ought to have bene first treated of, were neglected, and some mens private devises preferred, and therin much tyme mispent.'<sup>134</sup> They spurned the king's business, supply and Union, saying 'Pharaoes froggs were come amongst us', but their zeal to cure the 'mischiefs or inconveniences in the Comenweale' sought only the impeachment of 'his Maj[es]tes prerogative'.<sup>135</sup> Theirs had become an 'irregular & insolent course of p[r]ocedinge' in which they would postpone all until they had relief of their grievances.<sup>136</sup> Ellesmere's opening speech in 1614 reminded the Commons 'to what end you are called, and what to proceed about, his Majesty has showed you in his writ': urgent matters of state, none more pressing than supplying the king's necessities.<sup>137</sup>

Ellesmere 'never lyked of novelties, espetially in Parlament as were ye new terms of Contribution & Retribution, w[hi]ch he thought had done mucche hurt'.<sup>138</sup> Bacon and

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<sup>130</sup>HHL Ellesmere Ms 2610/11 [Ellesmere's pagination].

<sup>131</sup>Alsop, 'Fiscal Reform', 198.

<sup>132</sup>HHL Ellesmere Ms 2610.

<sup>133</sup>HHL Ellesmere Ms 2599; BL Cotton Ms Titus F IV, fol. 333r-333v.

<sup>134</sup>HHL Ellesmere Ms 2599, fol. 1v-2r [Ellesmere's foliation].

<sup>135</sup>HHL Ellesmere Ms 2599, fol. 3v, 5r.

<sup>136</sup>HHL Ellesmere Ms 2599, fol. 7r.

<sup>137</sup>Jansson (ed.), *Proceedings 1614*, 28-29.

<sup>138</sup>BL Harleian Ms 4289, fol. 229v.

Ellesmere were Elizabethans and the chancellor harked back to the parliamentary past he understood, also longing for the ancient course, 'yt[that] his Ma[jes]ty should grant them good laws, they give him convenient reliefe, as his occasions should requyre.'<sup>139</sup> Ellesmere's practical-mindedness was driven to acute frustration by directionless fiscal policy and mismanagement.<sup>140</sup> He chastised his colleagues in 1615 for putting forward nothing 'w[hi]ch had not often been spoken of at yt[that] board'; more action and less rehashing would already have produced results.<sup>141</sup> Policies of inaction and waste had eroded James' estate and left him dependent upon parliament, a subversion of the proper aspect between monarchy, aristocracy, and democracy in the Jacobean polity.<sup>142</sup> For Ellesmere, a change in fiscal policy was crucial to the restoration of larger political relationships and re-establishing parliament as an effective source of revenue and tool of governance.

By what policies did Ellesmere hope to repair James' fiscal estate and counter parliamentary unwillingness to supply the king?<sup>143</sup> Ellesmere believed honest assessments were in short supply. A forthright diagnosis, with the patronage culture center-stage, was the first order of business.<sup>144</sup> James' fiscal estate was being consumed by importunate suitors, and 'too much waye hath bene geven ... by those who had the charge & husbandinge of the kinges treasure, and therefore should have w[i]thstoode & stopped such sutes, and have better informed his Ma[jes]tie. But they, for the most p[ar]te, made theyr owne gayne therby'.<sup>145</sup> Ellesmere's exposition of this charge reveals his interest, like Coke's and Zouch's, in turning the weight of the law against corrupt and incompetent officers.<sup>146</sup> Presaging Cranfield's

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<sup>139</sup>BL Harleian Ms 4289, fol. 229v.

<sup>140</sup>Suffolk and Coke were openly hostile in the July 1615 meeting. Suffolk angrily defended his late-friend Salisbury against Coke's aspersions on the silk farm and other grants with the stinging rejoinder that those made by Lord Chancellor Hatton should likewise be scrutinized. Ellesmere took up Coke's calls for investigations, clearly signalling animus for Suffolk.

<sup>141</sup>BL Harleian Ms 4289, fol. 229v.

<sup>142</sup>HHL Ellesmere Ms 2599. Knafla, Law and Politics, 35-81-82 notes Ellesmere's concerns with mismanagement and fiscal decay already at the end of Elizabeth's reign, but does not make the connection between them and the political consequences of the necessity to obtain revenue from parliament.

<sup>143</sup>HHL Ellesmere Ms 2610 (18 September, 1615), supplemented by Ellesmere Ms 1216, is the Lord Chancellor's formal program. The evolution of its outline and various components can be followed in Ellesmere Ms 476, 465, 478, 2507. For the inclusion of Ellesmere Ms 1216 as a supplement, see Alsop, 'Fiscal Reform', 196n22.

<sup>144</sup>HHL Ellesmere Ms 2610/1 [Ellesmere's pagination].

<sup>145</sup>HHL Ellesmere Ms 2610/1.

<sup>146</sup>HHL Ellesmere Ms 1216/1 [Ellesmere's pagination].

treasurership, he argued the time had come to investigate all the gifts, grants, and superfluous new offices by which James' revenues had been diverted to private gain.<sup>147</sup> Grants could be legally voided while individuals who had trafficked in James' bounty should be pressed to give over the value of their gains to James' creditors.<sup>148</sup> Similar steps had been taken by parliamentary acts of resumption, but the lawyer-judge in Ellesmere preferred the equity courts. The tenor of former parliaments made a politically charged course of resumption as unappealing to Ellesmere—or James—as it once had been to Northampton (at Cotton's suggestion).<sup>149</sup> Finally, extending rigorous accountability to James' officers, turning projects to the king's gain, delegating their execution to trustworthy individuals, and enforcing a balance between receipts and issues would do much to prevent future grants and policies adversely affecting crown revenues—and parliamentary opinion.<sup>150</sup> 'And from hence furthe,' proclaimed Ellesmere, 'the leakes in the Cisterne of the Treasurye to be stopped by his Maj[estie].'<sup>151</sup>

There is a striking similarity between Ellesmere's attitudes and those of Thomas Wentworth in 1610: 'all these courses would be to no purpose except it would please the king to resume his pensions granted to courtiers out of the exchequer, and to diminish his charge and expences. For (sayes he) to what purpose is it for us to drawe a silver streame out of the contry into the royall cesterne, if it shall dayly runne out thence by private cocks?'<sup>152</sup> Wentworth wished 'wee might joyne in humble petition to His Majestie that he would

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<sup>147</sup>HHL Ellesmere Ms 2610/3-4.

<sup>148</sup>HHL Ellesmere Ms 476 and 1216/2. Cranfield made a similar proposal, CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>149</sup>HHL Ellesmere Ms 1216/2; BL Cotton Ms Cleopatra F VI, fol. 42v-43r. Alsop particularly cites this proposal to support his case that Ellesmere's program is anti-parliamentary in nature, but I do not believe it considers the contentiousness—well-nigh untenability—of a parliamentary examination of the king's gifts, the political value to be gained by decisive legal action on James' part, and the logical unwillingness to surrender to parliament the initiative in any such course. Alsop, 'Fiscal Reform', 198-199.

<sup>150</sup>HHL Ellesmere Ms 2610/1-3, 8-10; Ellesmere Ms 1216/3. Ellesmere proffered abatements in pensions, Ireland and the United Provinces, the household (in particular new tables), navy, stables, wardrobe, the robes, and buildings and works. He believed the quantity, quality, necessity, price, and intended use of all purchases should guide future expenditure in the departments. Ellesmere Ms 2610/1-3. The influence of Lionel Cranfield is particularly strong in these portions of Ellesmere's treatises. For instance, CKS U269/1.Oo188 [Cranfield Ms 4074] and OE1528 [Cranfield Ms 6770]; also Cranfield's copy of Ellesmere 2610/1-3 is U269/1.OE1528 [Cranfield Ms 2330]. Much like Ellesmere's attitudes, Humphrey May composed a memorandum after the Addled parliament for the lord deputy of Ireland, positing that it depended upon every officer to cast about for ways to relieve the king's necessities through new revenues and abatements. OBL Clarendon State Papers 90 (16 August, 1614).

<sup>151</sup>HHL Ellesmere Ms 2610/1.

<sup>152</sup>Gardiner, *Debates 1610*, 11-12.



diminish his charge, and live of his owne without exacting of his poore subjects ... Or otherwise that some lawe might be made to this purpose which was not strange nor without president in former ages.' An 'acte of parliament was made' under Richard II, avowed Wentworth, 'that because the revenues of the crowne were wasted and exhausted by the excessive guifts of the kinge and misgovernance of his officers, that therefore a Counsell appoynted should consider of the sayd guifts and grants, and enquire of the king's receipts and expences to the end the king's state might be mayntained without oppression of his subjects.' Therefore, 'it were good that some good course weare taken herein, without which all we can doe is to no purpose, for thoe wee now make supplie, yet there may be the like overreaches hereafter if they be not prevented.' Ellesmere was offering just such a course as preparation for parliament. Wentworth would 'never give his consent to take money from a poore frize jerkyn to trappe a courtier's horse', but, implicitly, he would for public necessities. The lord chancellor and the vocal member were speaking much the same language.

Ellesmere fully recognized the importance of revenue in James' fiscal difficulties, but his suggestions are more than choosing extra-parliamentary over parliamentary revenue.<sup>153</sup> Besides offering familiar projects, Ellesmere looked to economic forces shaping revenues, particularly commerce. He defended the king's right to impose, but recognized that a revision of the book of rates in line with Cranfield's advice could make customs both politically palatable and effective in balancing trade.<sup>154</sup> Enforcement of the statutes of employment requiring merchant strangers and aliens to employ their proceeds before leaving England as well as other regulations, preceded by a proclamation and exemplary punishments, would encourage compositions for pardons and level the commercial playing field.<sup>155</sup> Cranfield, supported by Ellesmere, was instrumental in focusing conciliar attention on unbalanced trade in March 1615, 'the trewe cause w[hi]ch impoverisheth the king and his peple'.<sup>156</sup> 'Yf this

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<sup>153</sup>Also, 'Fiscal Reform', 198-200 for this argument.

<sup>154</sup>HHL Ellesmere Ms 2610/4-5; Tawney, Business and Politics, 128-134. Despite authorization in January 1616 to revise the book of rates, Cranfield's project was foremost projected to remove that grievance from parliamentary politics. Too many years passed before another assembly for the project to survive. CKS U269/1.OEc94 [Cranfield Ms 4523 (5 January, 1616)]; FSL Folger Ms G.b.10, fol. 84r [letterbook of Ralph Winwood].

<sup>155</sup>HHL Ellesmere Ms 2610/5-6.

<sup>156</sup>CKS U269/1.OEc66 [Cranfield Ms 4532].

poynte for equallinge the exportacion & importacion be not effectuallye and spedilye dealte in,' Ellesmere later parroted Cranfield, 'whatsoever else shall be attempted for abatinge or supplye, wyll be to litle purpose: for this is a consuming canker.'<sup>157</sup>

The chief 'proiectes for supplye & increase of his Maj[es]ties yerelye revenewe' were those for parks, chases, forests, enfranchising copyholds, selling reversions and remainders of lands entailed to the crown, surrounded grounds, tithes out of parishes, and fishing busses.<sup>158</sup> A secondary group of nearly two-dozen projects was included as things to be considered 'for the more spedye payment of his Maj[es]ties debtes'.<sup>159</sup> Ellesmere was employing Dorset's old dichotomy of rents and monies, confronting the difficulty of creating new revenues while facing overwhelming immediate needs. In short, Ellesmere was pursuing the same course of abatements, improvements, and new revenues in the same circumstances which Dorset, Salisbury, Caesar, and Northampton had before him. Yet they were ministers who had never discounted parliamentary revenue in their pains to repair James' estate, even while exploiting the king's own. Ellesmere was neither arguing whether parliament had a role to play in financing the crown nor presenting a contra position, but proposing under what conditions it could be effectively exploited to that end.

Ellesmere and his colleagues were commanded again by James to consider his estate after the summer progress of 1615.<sup>160</sup> The record of debates leaves little doubt James' councillors were divided over recourse to parliament.<sup>161</sup> While retrenchment began the discussion, some councillors concluded it was inadequate when placed against the king's debt.<sup>162</sup> No 'perfect subsistence' was possible except by parliamentary supply, a motion which prompted argument among them 'about the difficulties of having a Parl[iament].' James' resolution was two-fold: consider alternatives to parliament, but if none emerged to

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<sup>157</sup>HHL Ellesmere Ms 2610/5.

<sup>158</sup>HHL Ellesmere Ms 2610/6-7; projects 'serve rather for the future, than for the present and which wyll be longe in doinge'. Ellesmere Ms 2610/8.

<sup>159</sup>HHL Ellesmere Ms 2610/9-10. Ellesmere believed these might also prove useful in the longer-term.

<sup>160</sup>BL Harleian Ms 4289, fol. 224v (24 September, 1615). Coke reported at the meeting on 28 September that James' debt was £700,000 and the deficit between £140,000 and £160,000. BL Harleian Ms 4289, fol. 226v.

<sup>161</sup>The records of the meetings from 24-28 September are BL Harleian Ms 4289, fol. 224v-230v; Lake's draft is PRO SP 14/81/115, fol. 184r-198r; Ellesmere's notes taken during debates on 28 September are HHL Ellesmere Ms 2628 (reprinted in Alsop, 'Fiscal Reform', 205-208).

<sup>162</sup>BL Harleian Ms 4289, fol. 224v.

examine the best course of preparation. James was obviously wary, refusing to sanction parliament until a program had been debated and offered to him, a reversal of 1614 in which he had acquiesced and then left his council to prepare for the session as they thought best. That parliament haunted him: 'he would not avoyd a Parl[iament] if he might see likelihood of comfort by it ... on the other side he would rather suffer any extremity then have another meeting w[i]th his people & take an affront.' The council resolved the following day that only parliament would suffice, but when it came time to debate preparation some 'missconceaved the former days resolution & to press ye particular heads of abatements'. The previous debate was revisited until the dissidents submitted.<sup>163</sup>

Noteworthy about the ensuing meeting is less deciphering the councillors who originally opposed recourse to parliament than the preparation which was discussed once the powerful voices of Lake, Caesar, Coke, and Winwood (four of the first six to speak) charged the debate.<sup>164</sup> Lake framed the debate by arguing past impediments to success must be removed and new inducements provided.<sup>165</sup> Offering a conception which Wentworth would have found agreeable, Lake argued it was crucial to remove the taint of prodigality from James by persuading him to stay his bounty and balance his revenues and receipts through retrenchment. The other impediments were matters of policy 'which have been offensively taken; sum to be against law; & sum against ye liberties and privileges of his people ... w[hi]ch do best appear by suche grievances & petitions as have been delivered in former Parlem[en]ts.' The learned council should examine the grievances, referring those fit for remedy by law to the judges and the rest by James with his councillors' advice. Impositions were the pre-eminent grievance and Lake supported Cranfield's project for their removal through revision of the book of rates.<sup>166</sup> Commonwealth matters fit to be handled before or during parliament formed Lake's incentives: fishing busses, balanced trade, statutes of employments, dyed cloth, and abolition of obsolete laws. Much like Ellesmere, Lake concluded that 'ye naturall kyndness of the people of England shall revyve agayn and shew

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<sup>163</sup>BL Harleian Ms 4289, fol. 224v-225r.

<sup>164</sup>The first six speakers were Lake, Caesar, Parry, Coke, Greville, and Winwood. Only Greville was equivocal about parliament, but agreed with Coke it was the best option for paying the king's debts.

<sup>165</sup>BL Harleian Ms 4289, fol. 225r-225v.

<sup>166</sup>BL Harleian Ms 4289, fol. 225v-226r.

itself in a liberall & free contribution towards ye relief of his Ma[jes]ties necessities' when presented with such a program.<sup>167</sup>

Caesar concisely seconded Lake's long discourse; nothing had changed since the debates at Northampton House before summoning the Addled parliament.<sup>168</sup> Coke took a wider perspective which hinted at the actual contention among the councillors. Curing the king's fiscal ills 'was ye scope of this present consultation'.<sup>169</sup> Balancing the books required abatements in offices and suspension of pensions until James' debts were paid while increased revenues were possible if the statutes of employment were executed, trade balanced, and fraudulent grants examined and voided.<sup>170</sup> Parliament remained necessary for paying James' debts despite a change in fiscal policy.<sup>171</sup> Coke's distinction between preparation for parliament through staying gifts and pensions, abating, redressing grievances (especially impositions), suspending offensive grants and curing James' fiscal estate was tellingly blurry.<sup>172</sup> For management of parliament, Coke wanted an irrefutable case fashioned for members like Wentworth proving that James' debts 'proceeded not only out of facility & prodigality', but from matters of state.<sup>173</sup> Finally, Coke called for conciliar committees assisted by experts to settle these proposals and projects after which report would be made to the whole council.<sup>174</sup>

Winwood approved the ideas for preparation, but actually reduced them to three dominant points to be handled by committees: removal of impositions, Coke's justification of expenditures, and an assurance to parliament that 'what they would give might be converted to publik uses, & not otherwise employ[e]d'.<sup>175</sup> The simplicity of Winwood's program is explained by his blunt assertion that 'there was no way to redeem ye King out of his

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<sup>167</sup>BL Harleian Ms 4289, fol. 226v.

<sup>168</sup>HHL Ellesmere Ms 2628/1. Caesar agreed the parliament rolls should be called for and the Commons' past grievances examined. BL Harleian Ms 4289, fol. 226v.

<sup>169</sup>BL Harleian Ms 4289, fol. 226v.

<sup>170</sup>BL Harleian Ms 4289, fol. 226v; HHL Ellesmere Ms 2628/2. Compare to HHL Ellesmere Ms 2610/1-5.

<sup>171</sup>HHL Ellesmere Ms 2628/2; BL Harleian Ms 4289, fol. 227r.

<sup>172</sup>BL Harleian Ms 4289, fol. 227r. Coke approved Lake's points in general.

<sup>173</sup>BL Harleian Ms 4289, fol. 227r. Coke also denounced electioneering and acquiesced to the Commons' demand in 1614 that none of the king's learned council sit in any future lower house.

<sup>174</sup>BL Harleian Ms 4289, fol. 227r; compare with HHL Ellesmere Ms 2610/9. Greville weighed in next with pointed questions whether everything complained of in parliament was worthy of redress and if many of the proposals for preparation were not fitter for parliament itself. BL Harleian Ms 4289, fol. 227v.

<sup>175</sup>BL Harleian Ms 4289, fol. 227v; HHL Ellesmere Ms 2628/3.



necessities really and substantially, but by ye good will of his people in Parlem[en]t & all other ways & means would prove frivolous, & time lost that should be spent in consideration of them.<sup>176</sup> Following the earlier contretemps over resolution for parliament, the agenda became that 'ye point of preparation necessary to be speedily debated ... yt[that] his Ma[jes]ty might have their Lo[rds]hips resolutions yt[that] afternoone before his going to Greenwich to ye Queen, wher he was to keepe Michelmass day, & on Satterday to be gone towards Royston.'<sup>177</sup> This is the crux, not whether parliament, but how soon. Winwood effectively rejected the 'expedition & mature deliberation' of Coke's wider fiscal policies and Lake's longer course of preparation.<sup>178</sup>

Ellesmere's notes and the formal report record the extent to which the ensuing speakers signalled their support--or acquiescence--with Lake and Coke rather than Winwood.<sup>179</sup> They were at pains to emphasize 'that before a Parliament must go a good and well-digested preparation', in the words of Comptroller Wotton.<sup>180</sup> In the opinions of Wotton, Knollys, Zouche, and Fenton, the best preparation had been offered by Coke and Lake.<sup>181</sup> Exeter discoursed on the ends of parliament, believing that redress of grievances was a preparation for supply.<sup>182</sup> He supported Coke's attention to wider fiscal policy by arguing that 'yf 4 subsidies be graunted, yt will not be sufficyent ... if it were obtained, was but a rellief temporary; whereas abatement of expense was an easement both certayn and perpetuall.'<sup>183</sup> He did not believe a course of abatement or grievances was time misspent as Winwood had avowed. Pembroke offered a defining opinion: 'there was no reall way to relleive ye King but by contribution of his people in Parlam[en]t w[hi]ch as he held for fundamental on ye one part, so did he hould it for no less fundamentall on ye other side

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<sup>176</sup>BL Harleian Ms 4289, fol. 227v.

<sup>177</sup>BL Harleian Ms 4289, fol. 225r.

<sup>178</sup>BL Harleian Ms 4289, fol. 227r.

<sup>179</sup>HHL Ellesmere Ms 2628/3-5.

<sup>180</sup>BL Harleian Ms 4289, fol. 227v.

<sup>181</sup>HHL Ellesmere Ms 2628/3-4. Wotton offered also that a parliament in Scotland voting James' supply would prove an inducement to their English cousins, Knollys added forest, parks, and chases to useful projects, and Zouche reiterated his disapproval of electioneering while enforcement of the laws against recusants should prove popular. BL Harleian Ms 4289, fol. 227v-228v.

<sup>182</sup>BL Harleian Ms 4289, fol. 228r.

<sup>183</sup>HHL Ellesmere Ms 2628/4 and BL Harleian Ms 4289, fol. 228r respectively.

yt[that] a Parlam[en]t was not to be attempted w[i]thout dew preparation'.<sup>184</sup> Nottingham and Suffolk offered cautionaries about potential Commons' demands for redress of grievances and the possibility that no course with impositions would deter them from demanding the point of right be settled in their favour.<sup>185</sup>

Ellesmere's opportunity to advance his program followed Suffolk. He spoke at 'good length' and, while his speech was heavily abstracted by Lake, it would appear Ellesmere delivered much of his fiscal outline in approximate order.<sup>186</sup> Ellesmere seems to have glossed over his long exposition of tackling the king's debts during preparation for parliament, perhaps because Exeter had already made the point for him: that parliament was part of the solution, but not enough for its totality and immediacy.<sup>187</sup> Ellesmere's attack on the corruption of projectors and the need for trustworthy undertakers in future may have been included in points concerning projects and mismanagement, but there is no evidence for it. Ellesmere's conclusion reveals the complexity of the question before them: 'These severall heads ... had been formerly mooved but foreslowed. He wished they might now be quick[e]ned & pursued, as things wherof sum were good means to bring ye King relleief by themselves; sum others good preparations for a Parlament; and sum others fitt to be treated in a Parlem[en]t.'<sup>188</sup> Like Coke, he believed it was time to get down to business and supported the committees project.<sup>189</sup>

Archbishop Abbot's accustomed seniority left him the task of summation. He took great comfort from their proceedings, never having seen matters 'handled so seriously & methodically' and believed a 'Parliament so prepared & ordered ... might carry w[i]th it a likelihood & probability of bringing good success.'<sup>190</sup> The council resolved on committees after Abbot's speech and appointments were made the next day once James' had reviewed

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<sup>184</sup>BL Harleian Ms 4289, fol. 228v.

<sup>185</sup>BL Harleian Ms 4289, fol. 228v-229r; HHL Ellesmere Ms 2628/5. Lennox offered a short speech in which he deferred to the council's resolution and seconded Fenton's point that a parliament in Scotland had already contributed to the king's debts. Harleian Ms 4289, fol. 229r.

<sup>186</sup>BL Harleian Ms 4289, fol. 229v-230r; HHL Ellesmere Ms 2610/1-7

<sup>187</sup>HHL Ellesmere Ms 2610/8-10; BL Harleian Ms 4289, fol. 229v-230r.

<sup>188</sup>BL Harleian Ms 4289, fol. 230r.

<sup>189</sup>BL Harleian Ms 4289, fol. 230r.

<sup>190</sup>BL Harleian Ms 4289, fol. 230r. Abbot urged discretion and secrecy on his colleagues in their future proceedings and supported the execution of the recusancy laws proposed by Zouche.

their proposals.<sup>191</sup> They rewarded attention to fiscal policy and thoughtful preparation. Ellesmere, Lake, and Coke got what they wanted with committees for examining gifts and grants; balancing revenues and expenditures with cuts in Ireland, the navy, household, wardrobe, robes, and works; impositions and trade; fishing busses; and statutes of employment.<sup>192</sup> Lake was frustrated over obsolete laws, but he and Coke could take satisfaction from the review of past grievances by James' learned council. No committees were appointed to justify James' expenses, prevent electioneering, devise means to commit the king to spend subsidies on public expenses, and secrecy in proceedings. Ellesmere crabbbed that for 'abatinge of pencions, annuities, new fees & new offices there are no com[m]ittees, nor tyme appoynted', while his projects for defective titles, assarts, the mint, and coinage were ignored.

A number of factors were at work in the omissions. The councillors were spread thin and the committees chosen reflect a prioritization in favour of difficult problems, but ones likely to yield the greatest benefit. Ellesmere alone seems not to have heeded James' cryptic warning that many difficulties would ensue from examining pensions.<sup>193</sup> James was presently unwilling to have them touched while he probably held as much antipathy to any direct preparations for an assembly. It was James who had originally assembled his councillors for the establishment of his estate, 'as well by payment of his detts as by reducing his expenses to an equality with his revenews; & fell uppon sum particulars in that point of abating'.<sup>194</sup> Parliament was forced onto the agenda by declaring as inadequate James' talk of abatement.<sup>195</sup> Proposals for active reform of the offices of state remained tenable, but serious retrenchment of the patronage culture and calling parliament were not the art of the possible in 1615.

At the conclusion of the meetings, James offered only his approval of their course with committees and left them to their work while he began the progress to Royston.<sup>196</sup>

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<sup>191</sup>BL Harleian Ms 4289, fol. 230r-230v.

<sup>192</sup>HHL Ellesmere Ms 2614.

<sup>193</sup>BL Harleian Ms 4289, fol. 230v.

<sup>194</sup>BL Harleian Ms 4289, fol. 224v.

<sup>195</sup>BL Harleian Ms 4289, fol. 224v.

<sup>196</sup>BL Harleian Ms 4289, fol. 230v.

James probably agreed with Ellesmere that his councillors proposals could 'be very good for supplye and increasinge of his Maiesties yerely reuenewe, and wyll in tyme helpe towarde the payment of his debtes', but until their work was completed he neither could nor would choose to face parliament--and not even then.<sup>197</sup> Significantly, the committees amounted to little in practice.<sup>198</sup> Sweeping fiscal reform of the kind envisaged by Ellesmere remained conceptually out of time while neither its strictures nor parliament were palatable to James. John Throckmorton put his finger on the pulse in a letter to Trumbull: Theye begin to speake afresh of a parlement without which these wants can not be substantially releaved. But when theye shall be theirby supplied unles the same parlement can provide that hereafter their be better care taken in the spending or issewing of it then heartofore their [hathe] bien, all that will not helpe nether.<sup>199</sup> Thomas Overbury's murder and Somerset's fall also absorbed political attention for much of 1616 as did James' great feud with Coke.<sup>200</sup> It wasn't until 1617, when the money from the Cautionary towns was spent that echoes of Ellesmere began to be heard in policymaking.

## VI

A conciliar fiscal program set out in a book in February 1617 recognized that James would not countenance recourse to parliament for his debts.<sup>201</sup> The program harked back to perceptions of Burghley's days, when running budget surpluses anticipated or paid debts.<sup>202</sup> James' councillors attempted to make the same principles a reality: a budget in surplus would eventually pay off the debt. To that end, it became a matter of practice that 'the most necessarie partes of the ordinarie be assigned upon the most certaine receiptes' and £30-40,000 was to remain 'either for the extraordinary or the ordinary unassigned as shall be

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<sup>197</sup>HHL Ellesmere Ms 2610/7.

<sup>198</sup>Also, 'Fiscal Reform', 204-205. Ellesmere's and Cranfield's projects for impositions and statutes of employments languished from indecision and problems of enforcement respectively. BL Lansdowne Ms 152, fol. 174r-174v (14 November, 1615); CKS U269/1.Oo118 [Cranfield Ms 4542] ([19 December, 1615]); Lansdowne Ms 152, fol. 179r-180v (13 November, 1618); Lansdowne Ms 152, fol. 172r-172v (15 November, 1618); PRO SP 14/148/92, fol. 111r-111v (13 July, 1623).

<sup>199</sup>Transcription in HMC Downshire, V, 441-442 (12 March, 1616); also HMC Downshire, V, 373-374 (1 December, 1615), 388 (25 December, 1625), 404-405 (10 January, 1616).

<sup>200</sup>Knafla, Law and Politics, 126-127, 178-181.

<sup>201</sup>PRO SP 14/90/71, fol. 131r-140v (20 February, 1617).

<sup>202</sup>Guy, Tudor England, 379-382.



moste pressing.<sup>203</sup> Anticipations and unexpected charges were transferred to the debt.<sup>204</sup> In short, they assigned the crown's ordinary revenue to its most important charges while anything which was not budgeted was treated as extraordinary and tacked to the debt. The maintenance of this 'balance' depended upon the offices being 'kept w[i]thin the compasse delivered now by the Lo[rd] Threr. as a medium.'<sup>205</sup> The offing of this plan allowed Suffolk to claim 'to have don a great peece of service in bringing the K[ing]s revenewes to surmount his ordinarie expences more then 1000li a year'.<sup>206</sup> Greville knew better and gave 'out that the reconing is mistaken for a very great summe.' There was 'scant goode quarter between them' for it.<sup>207</sup> To the councillors' credit, budgeting was a constructive rationalization, but the problem of inadequate revenues remained.

James' councillors fully avowed the debt could be supplied by the posited surplus on the ordinary accounts, future savings from abatements in offices, suspension of pensions by James, improved and casual revenues (including 'proiectes of lawfull & convenient natures'), and borrowing.<sup>208</sup> Borrowing was the real key and projects to raise two lump sums of £100,000 apiece were essential: 'To maintain this equality ... it was found necessary that 200,000l. of your Majesty's most pregnant and pressing debts should be discharged'.<sup>209</sup> The councillors first met for this purpose in June 1616, at which time they were concerned only with raising £100,000. Greville proposed the sale of burgages, mills, old castles, and decayed houses, fee-farming more lands, and asking 1000 people to donate £100 a piece.<sup>210</sup> Coke thought people who had been most favoured by James' bounty should be asked to lend money on security of their land. Viscount Fenton's respite of homage project was finally assigned

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<sup>203</sup>PRO SP 14/90/71, fol. 133r.

<sup>204</sup>PRO SP 14/90/44, fol. 79r (31 January, 1617).

<sup>205</sup>PRO SP 14/90/44, fol. 79r.

<sup>206</sup>PRO SP 14/90/25, fol. 55r-55v (Chamberlain to Carleton; 18 January, 1617).

<sup>207</sup>PRO SP 14/90/25, fol. 55r; Rebholz, *Fulke Greville*, 245.

<sup>208</sup>PRO SP 14/90/71, fol. 134r. Revenue improvements were to come from Ireland, the petty farm of customs, recusants, the court of wards, 'leasinge of coppes woodes', disafforesting remote parts and turning to cultivation, fines in courts, and 'other increasementes upon discoverie by a good survey.' SP 14/90/71, fol. 135r. Casual revenues were principally forfeitures of lands and goods upon various treason and refusal of the oath of allegiance, lands escheated for lack of heirs, licences of exportation, concealments, and projects. SP 14/90/71, fol. 136r-137r. Among the projects were licences for exemption from juries, 'seacoales', compositions for alienations (in Wales), encroachments, and assarts, and 'lycences for Badgers.' SP 14/90/71, fol. 138r.

<sup>209</sup>Spedding, *Letters and Life*, V, 254.

<sup>210</sup>PRO SP 14/87/63, fol. 126r (19 June, 1616).

for examination.<sup>211</sup> New hunts for concealments and a project involving woods were added.<sup>212</sup> Out of these cursory projects for new revenues it was decided to undertake three separate loans until surpluses on the ordinary materialized. The center-piece project was Giles Mompesson's for sale of wood from the royal forests worth £100,000 (£25,000 annually for four years).<sup>213</sup> The councillors confidently contracted with the customs farmers to directly advance James' creditors the same £25,000 annually for four years; they would be repaid at the end of each year from Mompesson's sales.<sup>214</sup> The City and Merchant Strangers agreed to lend £120,000 in early 1617.<sup>215</sup> These monies were to be answered from a project to convert remote lands and forests to cultivation.<sup>216</sup> The councillors had embarked upon a policy of paying the king's debt by borrowing upon 'security' of anticipated revenue from projects: 'These things will yeald money with tyme. In the meane tyme to borrowe.'<sup>217</sup>

This fragile program unravelled in 1617 thanks to James and conciliar policymaking contending with an ineffective lord treasurer. James was determined to return to Scotland and the loan monies paid for the coming progress.<sup>218</sup> Nothing could persuade James that his 'wantes being so greate as they are, to have them increased by such an unnecessary chardge were not to be wished, but rather to be prevented.'<sup>219</sup> James left London in March and finally returned on 15 September 1617.<sup>220</sup> Reminiscent of Salisbury's years, Lake was the conduit with the councillors remaining in London.<sup>221</sup> His letters with Winwood and Suffolk illuminate the collapse of the councillors' financial policy. Things began going awry in May

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<sup>211</sup>PRO SP 14/87/63, fol. 126v; SP 14/87/75, fol. 154r-154v (30 June, 1616).

<sup>212</sup>PRO SP 14/87/64, fol. 128r (29 June, 1616).

<sup>213</sup>For the initiation and progress of Mompesson's project, Acts 1616-1617, 137, 174, 209-210 and PRO SP 14/93/99, fol. 126r ([27 September], 1617).

<sup>214</sup>PRO SP 14/93/99, fol. 126r; Ashton, Money Market, 88-92.

<sup>215</sup>Acts 1616-1617, 122. Ashton, Money Market, 122-127 for the details of the city portion of the loan (£100,000) and Dietz, Public Finance, 166-167.

<sup>216</sup>PRO SP 14/93/99, fol. 129v. For such projects see Hoyle, 'Disafforestation', 353-388 and Peter Large, 'From swanimote to disafforestation: Feckenham Forest in the early seventeenth century', Hoyle, Estates 1558-1640, 389-417.

<sup>217</sup>PRO SP 14/87/64, fol. 128r.

<sup>218</sup>PRO SP 14/90/25, fol. 55r.

<sup>219</sup>PRO SP 14/90/36, fol. 68r (21 January, 1617).

<sup>220</sup>Lee, Government by Pen, 155-174.

<sup>221</sup>See the orders for the post, Acts 1616-1617, 188-189. The councillors remaining in London to attend business in the king's absence were principally Archbishop Abbot, Lord Keeper Bacon (new appointed to replace Ellesmere), Suffolk, Greville, Winwood, Caesar, Viscount Wallingford (Knollys, master of the wards), and lord privy seal Worcester. Acts 1616-1617, 216-329.

when James reached Scotland. The Exchequer was empty and Suffolk hoped to preempt trouble when he wrote Lake: 'I am sure that the kinge will heare by divers that are greedy for mony that some of them are unpaide. I prey yow to take notice that yt is noe fault of myne for yet we want 20000li w[hi]ch should come from the citty of the loane mony to be the kinge... I have but one principall caire w[hi]ch is to provyde mony to supply the necessary wantes of the tyme for although yo[u]r iourney hath drawne not more from us then stood with the necessity of the tyme to doe, yet out of our empty chestes yt could ill be spared.'<sup>222</sup>

They were waiting on the last £20,000 instalment when Winwood, known for his bluntness, informed Lake of bigger problems in the offing with their loans: 'how we shall repay that w[hi]ch we have, I feare for the reconing wee made for the woods, I dowbt we made w[i]thout our host.'<sup>223</sup> As with so many projects, reality was setting in on Mompesson's undertaking. James was always wary of plans involving the royal forests and 'the chief point that his Ma[jes]ty wold heare of is whether the somme of 25000 yearely be like to rise without spoyle of his woodes and forestes, wherof I have writen one or twice but no aunswere came'.<sup>224</sup> Winwood was ordered to obtain an explanation from Suffolk.<sup>225</sup> Suffolk already knew the project was in trouble. Caesar had undertaken an investigation and found trees being sold 'for lesse then half the valewe & they were the most choise timber', those reserved for the king's navy.<sup>226</sup> Suffolk was finally forced to admit 'yt is trew that the commissioners for the woodes doe fall shorte this years of the 25000li ... for the present yt lyes upon us to make a supply untill his Ma[jes]tes retourne when we are to conceive his further pleasure what course shalbe taken'.<sup>227</sup>

Suffolk had given up and descended to impolitic ineptitude as matters worsened. He wrote Lake on 14 July: 'It seemes by Mr Chauncellor that yow wrote to him & the kinge was angrie bycause we made him noe retourne about the futur assurance to the Queen. And we

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<sup>222</sup>PRO SP 14/92/40, fol. 129r (23 May, 1617); also Acts 1616-1617, 172-173, 256-257, 298-299.

<sup>223</sup>PRO SP 14/92/65, fol. 165r (10 June, 1617).

<sup>224</sup>PRO SP 14/92/76, fol. 188r ([29 June], 1617). Lake had written Winwood on 19 June that the king 'doth expect to heare what the commissioners finde is like to come of the woodes for to have the woodes cutt and yet the somme intended in fowre yeares not to be furnished ... his Ma[jes]ty thinketh it were an unfitting crosses'. SP 14/92/69, fol. 170r.

<sup>225</sup>PRO SP 14/92/76, fol. 188r.

<sup>226</sup>BL Lansdowne Ms 161, fol. 343v (24 June, 1617).

<sup>227</sup>PRO SP 14/92/90, fol. 212v-213r (14 July, 1617); Spedding, Letters and Life, V, 255.

marvaile asmuch that his Ma[jes]tie will thinke to have speidy answeres of thinges of that nature w[hi]ch cannot be done but w[i]th some tyme.'<sup>228</sup> The king rebuked, Suffolk replied that the book (for the Queen's estate upon James' death) was in fact ready and would be dispatched. Suffolk also promised to send much-needed monies to Carlisle for the return to London. The money was never dispatched and Lake's query must have been ominous to Winwood. 'That which maketh me send away to you,' wrote Lake, 'is an expresse commandement of his Ma[jes]ty for want of money here. I have written alreedy twice or thrise to my L[ord] Threr and Mr Chancellor but there cometh no aunsweare not so much as an excuse.... his Ma[jes]ty is much moved especially that he is so much neglected as not to have an aunsweare or a reason why. If my Lo[rd] Threr or Mr Chancellor be with you I pray you speake to them of it.'<sup>229</sup> Winwood stirred the waters. He forwarded the letter to Greville and informed Lake he had 'often heard my L[ord] Tresorer say that he would send to Carlyle 3000li. Yf the wantes be so great in yo[u]r iorney, what will you find at yo[u]r returne.'<sup>230</sup> Lake replied: 'For the moneys here is no newes nor any aunsweare of excuse w[hi]ch moveth his Ma[jes]ty much as though he were neglected ... he is much displeased he doth not heare.'<sup>231</sup> Greville set out in person to calm James' fury.<sup>232</sup>

What satisfaction James received has escaped record, but he was welcomed back with a bleak, blunt fiscal report at Hampton Court.<sup>233</sup> Ordinary revenue had nearly drawn into balance when he left for Scotland, 'w[hi]ch would accordinglie have held, if yo[u]r great extraordinaries had not interrupted it.'<sup>234</sup> For the annual £25,000 advances of the farmers on the customs, 'the same to be repaide againe out of the sale of woodes', that course 'doth not only fayle for the present, but is to be feared will fayle for the tyme coming'. They had no choice but to abandon the project. Further, the City loan, was gone, expended on privy seals

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<sup>228</sup>PRO SP 14/92/90, fol. 212r-212v.

<sup>229</sup>PRO SP 14/93/25, fol. 36r (18 August, 1617).

<sup>230</sup>PRO SP 14/93/31, fol. 51r (20 August, 1617).

<sup>231</sup>PRO SP 14/93/69, fol. 90r (28 August, 1617).

<sup>232</sup>PRO SP 14/93/73, fol. 94r (30 August, 1617); SP 14/93/73, fol. 94r. The financial difficulties must have been a bitter counterpoise for James compared to the effectiveness of provisions by his ministers in Scotland. William A. McNeill and Peter G. B. McNeill, 'The Scottish Progress of James VI, 1617', Scottish Historical Review 75 (1996), 38-51.

<sup>233</sup>PRO SP 14/93/98, fol. 125r (25 September, 1617).

<sup>234</sup>PRO SP 14/93/99, fol. 126r-126v ([27 September], 1617).



for bounty, provisions for the journey, enlarging Theobalds parks, ambassadors, and diversion to ordinary needs, all which amounted to £114,000. That was paid out of such forests as James would sacrifice to that debt, but it was still 'a worke of tyme.'<sup>235</sup> The whole of his debts amounted to £726,000, with only the dubious hopes of the woods to pay the City's share due the following year.<sup>236</sup>

James' distemper must have been considerable, prodigious measures of disappointment and exasperation. As for sorting the mess, 'the wayes are yett in yo[u]r Ma[jes]ties best iudgement to be considered of.'<sup>237</sup> Those ways defied settlement for the next month and were overshadowed by the sudden death of Winwood.<sup>238</sup> His abrasive honesty had, in the end, earned him considerable respect: 'seeing it was gods pleasure to call him, he could never go in a better time when he was in his highest favor with the king, Quene, Prince, and principall favourite, and was generally growne into so good opinion'; his death was 'much lamented' save for 'some yll willers that are as glad he is gon as most are sorry.'<sup>239</sup> Once again James concluded 'he was never so well served as when he was his own secretarie' and delivered the seals of office to Buckingham.<sup>240</sup> By the end of November James had resolutely begun the repair of his estate.<sup>241</sup> Thomas Murray wrote Carleton of its progress in four months time: 'his Ma[jes]ty labours verie much to redresse the disorders of the estate and now is much busied with the houshold by reformation of the w[hi]ch it is conceived he shall saif yearlie thirtie thousand lib... He is now preparing ane exact examination and censure of the abuses of the Exchequer w[hi]ch in all mens opinions ar liklie to proove verie foule. The lyke is intended in the Navie, and in Irland.'<sup>242</sup> James and Buckingham had

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<sup>235</sup>PRO SP 14/93/99, fol. 129v.

<sup>236</sup>PRO SP 14/93/99, fol. 129v. The loan was not repaid until the 1630's and effectively destroyed royal credit with the City into the next reign. Aston, *Money Market*, 125-127.

<sup>237</sup>PRO SP 14/93/99, fol. 129v.

<sup>238</sup>PRO SP 14/93/148, fol. 254r-254v. Chamberlain's description for Carleton's benefit is quite extraordinary: 'My feare was not vaine w[hi]ch I conceived of Mr Secretaries disease, and I presaged too truly of the successe... seeing yt appeares upon the opening of the body that he could not possiblie last long, having his heart withered almost to nothing, his spleen utterly rotten, one of his kidneys cleane gon, the other perished, his liver full of blacke spots, his lunges not sound, besides divers other defects so that yt was a wonder how he held out so long, and looked so well.' PRO SP 14/93/158, fol. 266r (31 October, 1617).

<sup>239</sup>PRO SP 14/93/158, fol. 266r.

<sup>240</sup>PRO SP 14/94/12, fol. 14r (8 November, 1617).

<sup>241</sup>PRO SP 14/94/23, fol. 32r-33v. This is provisionally dated to November and the reference to Buckingham's acquisition of the seals would seem to indicate it belongs very closely to the period of the previous letter.

<sup>242</sup>PRO SP 14/96/91, fol. 151r (28 March, 1618).

joined to confront the crippling deficiency of Jacobean fiscal policy: the failure of simultaneous retrenchment and reform within the patronage culture without James' direct support. Murray knew what would determine the fate of their labours: 'We all wishe a constance in this good resolution'.<sup>243</sup>

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<sup>243</sup>PRO SP 14/96/91, fol. 151r.

## CHAPTER 7

# Lionel Cranfield and the Reformation of Crown Finance (1617-1624)

### I

Projects were the conceptual core of crown finance. The Jacobean state did not possess the administrative development and bureaucratic culture for this to be otherwise; nor did its monarchical basis and patronage culture make the abandonment of suits and projects politically desirable. Their history of large promises and little performance demonstrates they were not even in part the best means to translate economic resources into revenues for the state. The political antagonisms caused by projects were commensurate with their ineffectiveness. Both Salisbury and Cranfield stepped outside the project mentality of the age and offered James different responses to the inadequacy of projects, but they had in common a fundamental redefinition of the Jacobean state. In Salisbury's mind, frugality--well-ordered finance--was a virtue in two parts, 'the one is to have, the other is to get'.<sup>1</sup> The having and getting of money under Cranfield were one and the same: restraint of James' bounty and amending the importunity, corruption, and incompetence of the king's servants which undermined administration in the culture of patronage. Cranfield advised Northampton, Ellesmere, and Buckingham before his appointment to the treasurership.<sup>2</sup> Between 1617 and 1621, he was James' expert instrument of retrenchment and, through Buckingham, his pre-eminent fiscal counsellor in transcendence of institutional responsibilities. Cranfield's acquisition of the white staff actually marked the beginning of his decline. The gulf between his principles and Jacobean reality was too large. Cranfield's policies attempted to give them effect, but he had scarcely eighteen months in which to do so. By early 1623, policy no

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<sup>1</sup>Croft (ed.), 'Several Speeches', 299.

<sup>2</sup>Tawney, Business and Politics; Prestwich, Cranfield. This chapter seeks to offer a reassessment of Cranfield's fiscal policy in keeping with the new perspective of crown finance offered in this study and the general revision of the period, but is not intended to provide a comprehensive treatment of Cranfield's career.

longer centered on James' estate. The Spanish match and 'blessed revolution' subsumed governance and Cranfield spent much of his time simply trying to meet their demands.<sup>3</sup>

## II

Cranfield's thinking and counsel were anchored in the conception set out in Ellesmere's 1615 program, a product of their intellectual partnership from which Cranfield consistently drew principles and policies.<sup>4</sup> Recent scholarship has failed to see this continuity, though Cranfield's emphasis varied somewhat as treasurer.<sup>5</sup> For instance, Cranfield's willingness to identify the functioning of the patronage culture as the fundamental problem was strident and unrelenting. The conciliar budgets of 1617 reflected Ellesmere's dictum to make expenditure 'a p[er]fecte and certen compasse, to be ... inviolablie kepte' in proportion to revenues.<sup>6</sup> Ellesmere and Cranfield argued that significant abatements in pensions, Ireland, and the household, navy, stable, wardrobe, robes, and works must proceed apace with budgeting.<sup>7</sup> Expenditures had to be stringently evaluated by the quantity of provision and its quality, necessity, price, and utility.<sup>8</sup> These principles were the core of Cranfield's treasurership, while the second treasury commission placed similar store in budgeting ordinary expenses.<sup>9</sup>

We have seen that James' Scottish progress upset the conciliar balancing act and created fiscal imperatives from which the king embraced retrenchment and reform.<sup>10</sup> James had met his councillors to examine the situation, but, preparatory to the meeting, Bacon had

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<sup>3</sup>Cogswell, *Blessed Revolution*. An indication of this process is the rapid decline in weekly accounts which Cranfield received as treasurer. There are some 40 reports from late-September 1621 to mid-December 1622. Between March 1623 and March 1624 there are only five sets of accounts. CKS U269/1.OE1426.

<sup>4</sup>Particularly HHL Ellesmere Ms 2610 (18 September, 1615). Cranfield's copy in his own hand is CKS U269/1.OE1528 [Cranfield Ms 2330] (undated).

<sup>5</sup>Alsop, 'Fiscal Reform'.

<sup>6</sup>HHL Ellesmere Ms 2610; CKS U269/1.OE1528 [Cranfield Ms 2330]; PRO SP 14/90/71, fol. 133r (20 February, 1617) and SP 14/91/70, fol. 128r (20 February, 1617); PRO SP 14/94/23, fol. 33r ([November], 1617).

<sup>7</sup>CKS U269/1.OE1528 [Cranfield Ms 2330].

<sup>8</sup>HHL Ellesmere Ms 2610. This taxonomy of quantity, quality, and so forth smacks of Cranfield's business acumen and provides some of the best evidence that his work with Ellesmere was a genuine partnership of ideas. The criteria of 'quallitie & quantitie ... pryce [and] use' were employed in the manuscript among Cranfield's own papers which countered parliamentary charges against the king's bounty in 1614. CKS U269/1.Oo188 [Cranfield Ms 4074].

<sup>9</sup>CKS U269/1.OE1528 [Cranfield Ms 7906] and U269/1.OE1430 [Cranfield Ms 6775].

<sup>10</sup>PRO SP 14/93/73, fol. 94r-94v (30 August, 1617).



advised James to scrutinize the failure of those plans.<sup>11</sup> Bacon's language predisposed James to find deception and mismanagement and was deliberately designed to inflame the king.<sup>12</sup> Bacon, Cranfield, and Buckingham were conspiring to conclusively wrest fiscal authority from Suffolk by stoking and then meeting James' demands for retrenchment.<sup>13</sup> These they did at the expense of the privy council: their triumvirate took over fiscal policy with James' sanction.

Secretary Winwood's death in October removed the most independent voice among James' councillors.<sup>14</sup> No sooner had Buckingham taken possession of the secretarial seals than James commanded his councillors to pursue a broad program of retrenchment.<sup>15</sup> Buckingham encouraged the cause of reform in these years and was instrumental in supporting James' attentiveness to it.<sup>16</sup> Like its many predecessors, the effort embraced the household, wardrobe, navy, pensions, Ireland, and Berwick garrison.<sup>17</sup> King and favourite monitored the work closely, but in December 1617 James made a fundamental change. The entire program was removed from the purview of the council and given over to an interlocking group of commissioners led by Cranfield and Bacon. This was done out of practical and political necessity. The council turned to the very people responsible for maladministration to put right its consequences. Lake's report for Buckingham at the start of the program is telling: 'my L[ordships] after debating and disputing, finding no other certain way, did command the officers in his Majesty[s] name to take it in hande' with orders to

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<sup>11</sup>Spedding, Letters and Life, VI, 254-256.

<sup>12</sup>Spedding, Letters and Life, VI, 255-256.

<sup>13</sup>Greville almost certainly supported them, having long been an exponent of fiscal reform. Michael B. Young, Servility and Service: The Life and Work of Sir John Coke (London, 1986), 23-31 and 41-47. The relationship between Cranfield and Bacon is discussed in Prestwich, Cranfield, 179-180, 205-206, 232-233, and 270-271. That of Bacon and Buckingham is particularly evident in the memorials and letters between the two men in 1616 and 1617, notably while James and Buckingham were in Scotland. Spedding, Letters and Life VI, 13-56, 164, 171, and 250-252; also Roger Lockyer, Buckingham: The Life and Political Career of George Villiers First Duke of Buckingham 1592-1628 (London, 1981), 29-31, 45-48. Prestwich is remarkably vague and ambivalent about Cranfield and Buckingham's relationship, saving its collapse, due to the overwhelmingly negative bias toward the duke and James. For instance, Prestwich, Cranfield, 273-285. The early relationship between the two men is touched on in Lockyer, Buckingham, 48-49.

<sup>14</sup>PRO SP 14/93/158, fol. 266r-268v (31 October, 1617).

<sup>15</sup>PRO SP 14/94/23, fol. 32r-33v.

<sup>16</sup>Lockyer, Buckingham, 49.

<sup>17</sup>Gardiner (ed.), Fortescue Papers, 30-31 (Lake to Buckingham; 14 November, 1617).

reduce household expenditures to £50,000.<sup>18</sup> Lake was of the 'opinion it shalbe to good purpose that his Majesty writt to them a lettre to that effect ... for in truth they went very unwillingly about the business'; James' intervention would spur their 'project'.<sup>19</sup>

Buckingham wrote Bacon that James was pleased with the initial work, but wariness was written between the lines.<sup>20</sup> Bacon responded that the 'liking which his Majesty hath of our proceeding concerning his Household, telleth me that his Majesty cannot but dislike the declining and tergiversation of the inferior officers; which by this time he understandeth.'<sup>21</sup> Bacon ended, 'methinks his Majesty, upon these tossings over of his business from one to others, hath an apt occasion to go on with sub-committees.' Together with a council report repeating the officers' pleas of 'incapacity', Bacon's letter had its desired effect.<sup>22</sup> James was surprised by the officer's stonewalling, and Bacon disingenuously disavowed the council letter as one having simply been passed to him for signature by the council clerk.<sup>23</sup> But James concluded that 'it will be now a fit time to make use of Sir Lionel Cranfield's propositions'. Buckingham, Bacon, and Cranfield--ill much of the last two weeks of November--took household retrenchment out of the officers' hands and placed them into those of independent commissioners. Buckingham persuaded James to write the council personally of his decision, which would prepare the ground 'as well as is possible.'<sup>24</sup>

Upon Cranfield's recovery, he and Bacon drafted the commissioners' instructions; the corrected draft in Cranfield's hand would indicate he played the leading role.<sup>25</sup> Presented by Buckingham with Bacon's clean copy, James enthusiastically signed it as the final instrument and sent it to the council.<sup>26</sup> The triumvirate checkmated the privy council and administration by playing upon the household officers' obstructionism. The commission left no doubt why

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<sup>18</sup>Gardiner (ed.), *Fortescue Papers*, 30.

<sup>19</sup>Gardiner (ed.), *Fortescue Papers*, 31. Robert Mansell, treasurer of the navy, offered to save the king annually £7200: by permanently discharging three ships and crews at a one-time cost of £10,000; the council agreed. Pensions, Ireland, and Berwick were on their next agenda. Gardiner, *Fortescue Papers*, 31.

<sup>20</sup>Spedding, *Letters and Life*, VI, 274 (Buckingham to Bacon; 17 November, 1617).

<sup>21</sup>Spedding, *Letters and Life*, VI, 275 (Bacon to Buckingham; 19 November, 1617).

<sup>22</sup>*Acts 1616-1617*, 372. Spedding, *Letters and Life*, VI, 275.

<sup>23</sup>Spedding, *Letters and Life*, VI, 276 (Bacon to Buckingham; 20 November, 1617).

<sup>24</sup>Spedding, *Letters and Life*, VI, 276 (Bacon to Buckingham; 22 November, 1617).

<sup>25</sup>CKS U269/1.OW106 [Cranfield Ms 881] (undated). Spedding, *Letters and Life*, VI, 279-280 (Bacon to Buckingham; 27 November, 1617).

<sup>26</sup>Spedding, *Letters and Life*, VI, 281 (Buckingham to Bacon; 2 December, 1617).

the work of the household officers had been suspended: 'we do find what difficulties are made, and what time is lost, in disputing and devising upon the manner of doing that whereof the matter must be and is so fully resolved.'<sup>27</sup> That verdict was extended to the entirety of administrative vested interests: 'Neither can we but see in this, as in a glass, the like event to follow in the rest upon the like reasons. For the inferior officers in every kind, who are best able for skill to propound the retrenchments, will out of interest or fearfulness make dainty to do service; and that which is done with an ill will will never be done.'<sup>28</sup>

James ordered his councillors to nominate subcommissioners for 'the mechanic and labourious part of every business', but Bacon and Cranfield actually selected their fellow commissioners.<sup>29</sup> Bacon forwarded Buckingham the 'the names (by his [Cranfield] advice and with mine own good allowance) of those which we wish his Majesty should select.'<sup>30</sup> He cryptically added that he 'had respect somewhat to form, more to the avoiding of opposition, but most to the service' in the choosing.<sup>31</sup> They chose Exchequer auditors, junior household officers, and customs experts. The commissioners were to receive occasional directions from the council, but the instructions charged it with 'disputing' policy so 'fully resolved'.<sup>32</sup> Faced with the household's calculated incapacity, the council had caved in. Earlier conciliar timidity had also plagued pensions.<sup>33</sup> James, understandably, was unwilling to accept the onus for suspending pensions and expected his council to effect the savings, but Lake wrote on behalf of his colleagues that 'I feare there wilbe so much diversity of opinion as there will not be much don'.<sup>34</sup> Lake had already been scolded for putting the matter back in the royal lap and this too must have contributed to James support for the triumvirate. The instructions bluntly asserted it was 'too tedious' for the whole council and would only 'draw the business

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<sup>27</sup>Spedding, Letters and Life, VI, 280.

<sup>28</sup>Spedding, Letters and Life, VI, 280.

<sup>29</sup>Spedding, Letters and Life, VI, 280.

<sup>30</sup>Spedding, Letters and Life, VI, 280, 283 (Bacon to Buckingham; 6 December, 1617).

<sup>31</sup>Spedding, Letters and Life, VI, 283.

<sup>32</sup>Spedding, Letters and Life, VI, 280-281.

<sup>33</sup>Acts 1616-1617, 372 (17 November, 1617); PRO SP 14/123/79, fol. 109r ([October?], 1621).

<sup>34</sup>Gardiner (ed.), Fortescue Papers, 33 (Lake to Buckingham; 21 November, 1617).

itself into length'. while sub-committees would 'impose that upon a few, which requireth to be carried indifferently as the act of you all.'<sup>35</sup>

The triumvirate's gambit produced a sudden appearance of purposeful action.<sup>36</sup> No longer pleading their own or the household's incapacity, the council reported the officers would soon 'present some modules of retrenchmentes of divers kindes, all ayminge at your Majestie's service.' For pensions, they had suspended some, reduced others by a third, and would press on until James was satisfied. They asserted their place in the process when discussing the wardrobe: 'although some doubt did arryse unto us, whether your Majestie's letter intended a stay of our laboures ... yet presuminge that such a course by sub-committee [commission] was purposed rather for a furtherance then lett to that worke, wee did resolve to goe on still'.<sup>37</sup> Bacon persuaded James to leave his councillors with this impression.<sup>38</sup> It remained politically important for the commissioners to maintain a pretence of conciliar authority, 'without seeming they should have any immediate dependance upon his Majesty, but merely upon the table.' James should reassure the council that the commission was to 'give help and not hinderance ... and that he doth expect the propositions we [the council] have in hand, when they are finished.'<sup>39</sup> But this was subterfuge; the commissioner's authority was 'to be kept in breast, and to come forth by parts', but come forth it did.<sup>40</sup>

Politics were at work here. Buckingham was James' favourite, but he had yet to extend his pre-eminence to policy and governance, something Somerset never achieved. James' councillors and office-holders were not of Buckingham's affinity. Cranfield held no major office; snobbery against 'so base a fellowe, who hath no manner of learning, nor

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<sup>35</sup>Spedding, *Letters and Life*, VI, 280.

<sup>36</sup>*Acts 1616-1617*, 399-400 (5 December, 1617). They purported to have received the commission in the midst of 'the course wee had begunn for retrenchment'.

<sup>37</sup>*Acts 1616-1617*, 399-400. 'In the meane time wee thought it our dutie to informe your Majestie ... that neither your Majestie may conceive that wee have been negligent in those thinges, which were comitted unto us nor your direccions by your late letters hinder or cast backe that which is alreadie soe farr proceeded in.'

<sup>38</sup>Spedding, *Letters and Life*, VI, 284.

<sup>39</sup>Spedding, *Letters and Life*, VI, 284; *Acts 1616-1617*, 401-402.

<sup>40</sup>Spedding, *Letters and Life*, VI, 284. Bacon's sequence of revealing the commissioners' authority was first, to 'employ the sub-commissioners in the reconsidering of those branches which the several officers shall propound.' Then they were consider their own plans for retrenchment not offered, examine all debts and arrears in the offices, 'whereby the arrear past destroys the good husbandry and reformation to come', and, finally, move to consideration of improvements in the offices.



experience' held him back.<sup>41</sup> Bacon admitted retrenchment was properly outside his Chancery remit.<sup>42</sup> Greville's influence was muted while Suffolk remained treasurer. Vested interests without obligation to Buckingham were represented in the council including Suffolk, Lord Admiral Nottingham, and leading household officers. Buckingham may have concluded the way to avoid his predecessor's fate was to secure his place as James' *de facto* chief minister.<sup>43</sup> It was not without thought that he pursued the lord admiralty, a premier office of state, or that the incumbent, Nottingham, was forced out by the cause of reform.<sup>44</sup> Reform presented--and was sustained by--the opportunity for Buckingham to people the council and offices with his creatures. Subcommissions composed of Bacon, Cranfield, and other reform-minded experts like Greville, John Coke, Richard Weston, and John Wolstenholme could bring dangerous and useful scrutiny to bear on the household, wardrobe, navy, and exchequer.

Household expenses were slashed in a cutting war between the commissioners and the officers, moderated, in the end, by the council.<sup>45</sup> Cranfield's micromanagement of the wardrobe produced astonishing savings.<sup>46</sup> The navy commissioners rendered such an effective reform plan, they were appointed to administer it.<sup>47</sup> The Exchequer was picked apart for abuse and Suffolk paid the price for presiding over such corruption and incompetence.<sup>48</sup> In no small measure because of this work, there were new faces among James' officeholders by 1620. Buckingham was lord admiral. Robert Naunton and George

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<sup>41</sup>PRO SP 14/89/33, fol. 69r (18 November, 1616); SP 14/89/39, fol. 81r (23 November, 1616).

<sup>42</sup>Spedding, Letters and Life, VI, 277 (Bacon to Buckingham; 22 November, 1617).

<sup>43</sup>Bacon's long advises for Buckingham on being the king's favourite read as much like advice for a chief minister. Spedding, Letters and Life, VI, 13-56. Also Lockyer, Buckingham, 29; Cogswell, Blessed Revolution, 64-66.

<sup>44</sup>Peck, Court Patronage, 106-127.

<sup>45</sup>PRO SP 14/94/55-59 12/7/1617; SP 14/95/12, fol. 21r-22v (10 January, 1618); CKS U269/1.OW151 [Cranfield Ms 4839 and 4840] (10 and 11 April, 1618 respectively); U269/1.OW150 [Cranfield Ms 4742] (undated); SP 14/103/64, fol. 102r-103v (2 November, 1618). Also, Tawney, Business and Politics, 157-159; P. R. Seddon, 'Household Reforms in the Reign of James I', Bulletin of the Institute of Historical Research 53 (1980), 47-49; Prestwich, Cranfield, 206-218.

<sup>46</sup>Seddon, 'Household Reforms', 50-52; Prestwich, Cranfield, 228-232; CKS U269/1.OW40 [Cranfield Ms 6543] (undated).

<sup>47</sup>Peck, Court Patronage, 106-127; CKS U269/1.ON8 [Cranfield Ms 6156] (undated); Young, Servility and Service, 40-92; BL Additional Ms 64876, fol. 69r-74v, 84r-85v, 96r-96v, 120r-121v.

<sup>48</sup>Tawney, Business and Politics, 164-168.

Calvert were new secretaries.<sup>49</sup> Cranfield was sworn to the council and installed in the court of wards.<sup>50</sup> His preferment was cemented by marriage to Anne Brett, despite originally spurning the favourite's matchmaking.<sup>51</sup> Bacon was elevated from lord keeper to chancellor. The household officers were shuffled.<sup>52</sup> Finally, the second treasury commission took the reins from Suffolk: Greville, Naunton, and Bacon, were joined by Archbishop Abbot, Caesar, Edward Coke and Cranfield (in 1619). The commissioners were acknowledged experts in finance or resolutely committed to reform, unlike their 1612 counterparts. Bacon summarized their early work: 'Mr Chancellor [Greville] imagines well; Coke seeks and beats over, as well where it [money] is not as where it is; Secretary Naunton forgets nothing. I will look to bow things to the true ends.'<sup>53</sup> When Bacon and the treasury commissioners successfully balanced the ordinary accounts with stringent management, James puckishly willed them 'to set it downe in wrighting, upon the vouchees handes in the several places of abatements & increases, for our justification & their charge hereafter, if it holde not.'<sup>54</sup>

Something of larger significance than a facelift for the council was occurring in these years. The venues for counsel and governance were passing into the hands of Buckingham and his clientage. The council declined into the principal organ of administration, becoming a more truly executive body. Real policymaking took place in a dynamic relationship between James, increasingly Prince Charles, Buckingham, and the changeable body of men making up the favourite's 'privados' and 'creatures'.<sup>55</sup> In the years before 1625, Buckingham fashioned and refashioned the officers of state and household into 'men of business' for his own ends. At differing times Buckingham's instruments included Bacon, Cranfield, Greville, Naunton, Calvert, and, later, Secretary Conway, Lord Treasurer (later Lord President of the Council) Mandeville, and Weston at the Exchequer.<sup>56</sup> This policy clientage remained fluid in

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<sup>49</sup>Lockyer, *Buckingham*, 69; Schreiber, *Robert Naunton*, 68-84. Naunton's successor, Edward Conway, became Buckingham's workhorse on the council. Young, *Servility and Service*, 40-42.

<sup>50</sup>Tawney, *Business and Politics*, 174-183.

<sup>51</sup>Lockyer, *Buckingham*, 71.

<sup>52</sup>PRO SP 14/94/81, fol. 149r-149v (26 December, 1617); SP 14/94/82, fol. 150r-151v (27 December, 1617).

<sup>53</sup>Spedding, *Letters and Life*, VI, 320 (Bacon to Buckingham; 25 July, 1618).

<sup>54</sup>BL Lansdowne Ms 165, fol. 302v (21 May, 1619); Tawney, *Business and Politics*, 168-173.

<sup>55</sup>Cust, *Forced Loan*, 24; Cogswell, *Blessed Revolution*, 80.

<sup>56</sup>For Buckingham's Caroline circle, see Cust, *Forced Loan*, 23-25. The existence, if not significance, of such an inner circle was briefly discussed in Michael Van Cleave Alexander, *Charles I's Lord Treasurer: Sir Richard*

reflection of changing circumstances, not least when facing James' authority or significant changes in policy as happened with the war-policy in 1623-1624.<sup>57</sup> By then, the need to exert administrative authority for the war against Spain had resulted in more remarkable changes: Conway was unchallenged at secretary, Calvert marginalized (by 1625 replaced by Buckingham clients, Albertus Morton and John Coke successively), and Mandeville acted as more than a token lord president;<sup>58</sup> Cranfield was impeached and the white staff given to James Ley; and officers like Weston and Lord Keeper Williams kept their places by keeping their peace.<sup>59</sup> The process which became policymaking by inner circle with Charles I and culminated in the charged rhetoric of excluded counsel in 1640 began with Buckingham, Cranfield, Bacon, and the cause of reform in 1617.<sup>60</sup>

### III

Cranfield possessed a remarkably holistic conception of finance and the policies which he believed were essential to addressing its Jacobean deficiencies. In themselves they are a counterpoint to the project mentality despite the fact that, like Salisbury, he (unhappily) employed projects throughout his treasurership.<sup>61</sup> On closer scrutiny Cranfield's conception of himself as an adviser-minister sought to reconcile the demands of serving his king and the state within the patronage culture. In 1617, reform moved outside the council's authority because it would never have succeeded otherwise. The Jacobean state was riven by the contradictions inherent to personal, monarchical government, the presence of an *alter rex*, administrative office-holding in a patronage culture, and the responsibility of governing for the common weal, for the state as an entity in its own right.<sup>62</sup> That James' resolved policy could only be effected outside his council and administration is an indictment of the state.

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Weston, Earl of Portland (1577-1635) (Chapel Hill, 1975), 47. G. E. Aylmer, The King's Servants: The Civil Service of Charles I, 1625-1642 (London, 1961), 19 and 61 is contradictory on this question. Also Willson, James VI and I, 394-398.

<sup>57</sup>For instance, Calvert and Lord Keeper Williams were largely James' choices over the candidates preferred by Buckingham. Lockyer, Buckingham, 69-70.

<sup>58</sup>Cogswell, Blessed Revolution, 80-83, 88-89.

<sup>59</sup>Cogswell, Blessed Revolution, 270-273.

<sup>60</sup>L. J. Reeve, Charles I and the Road to Personal Rule (Cambridge, 1989), 198-199; Donald, Uncounselled King, 1-42; Cust, Forced Loan, 31-32, 39; Aylmer, King's Servants, 62.

<sup>61</sup>For instance, CKS U269/I.OE1528 [Cranfield Ms 7489, 4488, 6775].

<sup>62</sup>Quentin Skinner, The foundations of modern political thought (two volumes; Cambridge, 1978), II, 349-358

Cranfield understood there was no distinction between matters of policy and administration; they were united as issues of politics and patronage.<sup>63</sup> Professional civil services, with their cultures of administrative professionalism, bureaucratic objectivity, and government service--though imperfectly realized ideals--emerged in developing states from the necessity to provide more effective government by separating politics and patronage from administration.<sup>64</sup> Cranfield attempted to refashion fiscal policy to meet the competing requirements of state and crown. His defeat embodied the failure of the Jacobean state to shed its early-modern skin.

Cranfield and Ellesmere maintained mismanagement was the plague of James' fiscal house.<sup>65</sup> By 1620, Cranfield believed **only** proper management offered a lasting solution, despite strides in retrenchment and concern for trade becoming commonplace in fiscal thought.<sup>66</sup> Well-ordered finances were the grounds out of which revenues grew and the crown prospered. Cranfield sought to replace the whole culture of fiscal policy and administrative weakness between 1619 and 1624, putting himself forward as the instrument of rehabilitation. Cranfield's assessments of James' estate scathingly attacked current policymaking and administration, addressing James with an honesty he respected.<sup>67</sup> Defalcations (administrative charges), anticipations (advances on the revenue), and interest were the cankers.<sup>68</sup> The bane of James' estate were his bounty and 'the unfaithfullnes & ignorances of his mynisters'--Cranfield sounding much like Caesar and Salisbury in 1611.<sup>69</sup> Cranfield believed only **he** was capable of employing the necessary policies to cure James' consumption through never-ending debt: 'ffor the satisfying of w[hi]ch som neither the lords of his Ma[jes]tes counsell in generale nor the comissioners for the thresury in p[ar]ticular can offer any means, but to conclude in their wordes do saye it is neither their p[ar]t nor in their

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<sup>63</sup>Spedding, Letters and Life, VI, 283-284; Aylmer, King's Servants, 9-12.

<sup>64</sup>Aylmer, King's Servants, 12.

<sup>65</sup>CKS U269/1.Oo88 [Cranfield Ms 4074] ([c. August, 1614]); also the discussion in Tawney, Business and Politics, 142-151, 196-204.

<sup>66</sup>CKS U269/1.OE1528 [Cranfield Ms 6774] (November, 1619).

<sup>67</sup>They are CKS U269/1.OE1528 [Cranfield Ms 6773 and 6770] (1620 and 1621) respectively; PRO SP 14/164/53, fol. 92r-93v (5 May, 1624); also Willson, James VI and I, 427-428.

<sup>68</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>69</sup>CKS U269/1.OE1528 [Cranfield Ms 6773]; BL Lansdowne Ms 165, fol. 138r-138v; Croft (ed.), 'Several Speeches', 314-317.



power to creatt materials but faithfully to dispurse them'.<sup>70</sup> Sufficient revenue existed to support James if it was properly managed: 'To improve his Ma[jes]ties revennewe by reformacon ... wilbe honorable, iuste, and exceeding profitable.... ffor all men well affected to there king and contrie greeve the king should be deceaved of his owne, and be therby constrained for support of his royall estate to make supplye uppon his subiectes by p[ro]iectes &c.'<sup>71</sup> Cranfield was blunt about alternatives: 'All meanes to helpe yo[u]r Ma[jes]tie are exhawsted, uncertayn, or a work of tyme.'<sup>72</sup> Cranfield had defended James' bounty in 1614, but now argued the 'king must be releevd by holding his hand for a tyme', and 'by imploying faithfull and understanding mynisters.' Criticism was extended to James: 'And so the care of that is left upon the king w[hi]ch is w[i]th a generale vote concluded to be impossable.'

Cranfield's sense of failed policy is illuminated by his proposals. James must restrain bounty for a year and maintain it checked thereafter according to Cranfield's criteria.<sup>73</sup> Akin to Salisbury, he believed bounty must come from within existing revenues: patronage should not constitute a licence to extort monies from the populace.<sup>74</sup> Bounty was best derived from fines of offices, felon's goods, and other casualties. Pensions must be pruned by disallowing exchanges and preventing renewals by James, while the creation of new offices was to cease.<sup>75</sup> Finally, in a change from 1614, Cranfield supported new 'proiectes' w[hi]ch w[i]thout grevance to the subiecte & losse or impaying his Ma[jes]tes revenew allredy settled maye rayse monye.' He was not averse to projects that worked principally to James' benefit, but detested those which served private gain. 'I doe generally mislike the using of the king's name and power to serve a private mans turne', he wrote.<sup>76</sup> Cranfield truly meant to enforce Salisbury's book of bounty which had been re-issued in 1619.<sup>77</sup>

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<sup>70</sup>CKS U269/1.OE1528 [Cranfield Ms 6773].

<sup>71</sup>CKS U269/1.Oo188 [Cranfield Ms 4074].

<sup>72</sup>CKS U269/1.OE1528 [Cranfield Ms 6773].

<sup>73</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>74</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>75</sup>CKS U269/1.OE1528 [Cranfield Ms 6770]; also Prestwich, Cranfield, 341-342.

<sup>76</sup>CKS U269/1.OE1528 [uncatalogued note] (26 February, 1623[1624]).

<sup>77</sup>PRO SP 14/97/19, fol. (14 April, 1618; commission for suits), Additional Ms 10038, fol. 2r-3v (16 April, 1618; Caesar's copy of the commission), SP 14/97/20, fol. 33r-37r ([April], 1618; King's declaration of limiting grants and memorial of suits grantable), and A DECLARATION OF HIS MAJESTIES Royall pleasure, in what sort He thinketh fir to enlarge, or reserve Himselfe in matter of bountie (London, 1619) [STC 9240.3 and 9240.5].

Restrained bounty was hardly an innovation, but Bacon, in pushing James to replace the treasury commissioners with a strong lone voice, argued that a faithful treasurer would 'stop suites, put back pencons, check allowances, question merites ... in short to be a skreene to your Ma[jes]tie in thinges of this nature, such as was the L[or]d Burleighe for many yeares'.<sup>78</sup> Cranfield intended to assume a monopoly of that power so that 'uppon the first proposing I maye be made acquainted w[i]th them to see how they will stande w[i]th his Ma[jes]ties purse, whether they be fitt to goe on & how farre', with freedom to challenge propositions before they became 'resolutions'.<sup>79</sup> Cranfield explained that by 'this meanes all opposing & contestations wilbe avoyded ... before resolution & declaration ... [and] his Ma[jes]te shall not be deceived nor any man the nearer his suite by misinformations to the king & gayning his signature surreptitiously'.<sup>80</sup> This marks a point of departure with Salisbury. Cranfield was willing to take the onus upon himself, in reality demanding that the authority be ceded to him, while Salisbury had sought to spread responsibility among commissioners and councillors. Cranfield believed that it was politically impossible within the patronage culture for James or his ministers to vet suits. Only Cranfield had the courage--stupidity?--and support of the king sufficient for the task.

James' determination to have the council handle pensions in 1617 and the necessity of pursuing retrenchment outside established administration must have decisively influenced Cranfield's thinking.<sup>81</sup> James' councillors would not bear the political envy and Cranfield was jaded about their effectiveness had they been willing.<sup>82</sup> Mismanagement, poor government, and hollow promises had undermined the authority of James and his ministers: 'The Kinges speeches & promises are not vallew'd as is fitting for want of performances. The pryvy counsell's resolutions & orders not respected bycawse alltered upon privat informations & extraordinary directions from Cort.'<sup>83</sup> Tricks of denial would no longer suffice. The whole culture of Jacobean government had to change. Cranfield called upon

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<sup>78</sup>BL Harleian Ms 3787, fol. 161v.

<sup>79</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>80</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>81</sup>Peck, *Court Patronage*, 211.

<sup>82</sup>BL Harleian Ms 3787, fol. 161v.

<sup>83</sup>CKS U269/1.OE1528 [Cranfield Ms 6774] ([c. November, 1619]).

James and his ministers to discharge their responsibility for the welfare of the state with policies to repair its dangerous fiscal condition: 'his Ma[jes]tie & the Lords to be pleased to consider the necessity of defraying his Ma[jes]tes owne chardg at home as well for his honor as saffety of his kingdome.'<sup>84</sup> He was challenging James and his servants to become the state's servants.

Cranfield struck at the patronage culture that he believed subordinated the state's welfare and good government to political considerations. For the well-being of the state, the king must preserve 'his own settled renew aswell by restrayning his bountye as by the **frugale & trusty** disposing & yssuing'.<sup>85</sup> He charged that 'to move the king to give now is to move the king to mack him selff miserable for the presant & to kepe him soe.' Condemning those who 'move the king' was an indictment of patronage in its entirety, not simply suitors, but their patrons and means of influence. Cranfield drove the point home when he offered a project that all beneficiaries of James' bounty since his accession should by 'waye of thankfulness' give James the value of their grants for one year to pay his debts.<sup>86</sup> Cranfield's assumption of the king's final authority over suits would further the cultural change (and provide practical benefits): w[hi]ch besides the preserving his Ma[jes]tes state, will give him great ease, ffor when suitors fynd what they suggest to the king must be examyned, they will not trouble the king so often as they do.' Echoing Salisbury before him, Cranfield lectured James on the need for a new outlook: 'By this tyme yo[u]r Ma[jes]tie maye iudge me to be of the disposition of the schoolmen who bee no scholler, who propound[s] such questions as they are not able to answer. My intendment is to deale closely w[i]th yo[u]r Ma[jes]tie by shewing yow the truthe of yo[u]r estate, that beinge lefte to yo[u]r selffe yow maye tacke care of yo[u]r selffe & not by pyteing and releeving other mens necessityes bring yo[u]r selffe into extremety.'<sup>87</sup>

The royal extremity spawned by the patronage culture created political problems in parliament. It made the 'subiectes to forbear to releve those necessetyes w[hi]ch [James]

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<sup>84</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>85</sup>CKS U269/1.OE1528 [Cranfield Ms 6770]. Emphasis mine.

<sup>86</sup>CKS U269/1.OE1528 [Cranfield Ms 6770]. This project was not simply rhetorical, but taken seriously. For instance, PRO SP 14/133/59, fol. 121r-121v (26 October, 1622).

<sup>87</sup>CKS U269/1.OE1528 [Cranfield Ms 6773].

him selffe voluntarily cawseth.<sup>88</sup> The lesson of 1614 needed repeating: 'they will not beleave he wantes himsellfe that gives to supply other wantes, naye they will saye (untill he hold his hand from giving) that whatsoever they shall give is neither to supply his Ma[jes]ties **actions** forreyn nor domestick, but to give away.'<sup>89</sup> An unreformed fiscal system left the state in a 'fever hecticke' (James' words) and was the single greatest obstacle to securing parliamentary supply.<sup>90</sup> Cranfield's conception was a continuation of the program he and Ellesmere constructed in 1615.<sup>91</sup> Cranfield's first address to parliament (November 1621) requesting supply as lord treasurer betrayed how, three years after retrenchment, the case for funding reformed government remained unfulfilled.<sup>92</sup> Cranfield candidly admitted James' misfortune with his ministers and 'exceeding bountye', but countered these by reminding parliament of expenses for the Palatinate which the king had supplied himself and the lack of subsidies in comparison to his predecessors.<sup>93</sup> Further he reminded members of recent reforms in justice--'we have had a greate Example in the Deposition of the Lord Chancellor"--and the 35 patents and monopolies 'which have ben damned by the King and no Monopolies since that presented and no proiect but only one.'<sup>94</sup> But Cranfield's pleading for the house to carry themselves 'so as that the King may be in love with Parliaments' and calls for faith in James' intentions are indicative of his weak hand.<sup>95</sup> By 1621, the parliamentary world that he and Ellesmere understood in 1615 was also changing. Supply was no longer a simple question of fiscal policy and James' necessity. Foreign policy and its volatile religious implications were becoming the *cause célèbre* of parliamentary politics.

Nothing Cranfield avowed for reforming the king's estate could have been particularly popular, but James preferred him immediately when lord treasurer Mandeville was cut loose before the fall session of parliament in 1621.<sup>96</sup> While Cranfield's ambitions had set the

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<sup>88</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>89</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>90</sup>HHL Ellesmere Ms 2610.

<sup>91</sup>CKS U269/1.OE1528 [Cranfield Ms 2330], U269/1.Oo188 [Cranfield Ms 4074] and HHL Ellesmere Ms 2610.

<sup>92</sup>PRO SP 14/123/122, fol. 179v (24 November, 1621).

<sup>93</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, IV, 428 (21 November, 1621).

<sup>94</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, IV, 429 and *Debates 1621*, III, 425 respectively.

<sup>95</sup>Notestein, Relf, Simpson (eds.), *Debates 1621*, III, 424-425.

<sup>96</sup>Mandeville was appointed ahead of Cranfield in 1619. Tongues wagged that Mandeville was willing to purchase the office and his departure from the chief justiceship would allow a double harvest when the attorney



parliamentary hounds after Mandeville--and Bacon--his support for dealing with monopolists and projectors had been a vote-winner in the first session.<sup>97</sup> When it became apparent more was needed than the two subsidies already voted, a reforming treasurer had many more attractions than one who was seen as a projector's friend.<sup>98</sup> Yet the relationship between Cranfield, Buckingham, and James must not be overlooked. <sup>99</sup> There is every indication that James appointed Cranfield because he liked, trusted, and respected his forthrightness, something which the king had also favoured in Cranfield's patron, Ellesmere.<sup>100</sup> Cranfield's devotion to James was indisputable. Thomas Wilson, attuned to the prevailing winds, recognized the support for Cranfield: 'you have made knowne to ye world both your owne abilityes and the good services that you have done his Ma[jes]ty ... a stepp to yo[u]r other worthyer preferm[en]ts.'<sup>101</sup> Cranfield personally sent the bill for his treasurership appointment to James for signing. Buckingham hoped he would 'as well deserve that title hereafter as you have alreadie this which our master hath sined.'<sup>102</sup> When Cranfield feared the wrath of vested interests in 1618, Buckingham reassured that 'I will have so great care of you that you shall not count your labour & indeavo[ur]s in so good courses ill imployed. And for the Lo[r]d of whome you write I ... have allreadie fixed you so farre in his Ma[jes]ties

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and solicitor generals moved up. PRO SP 14/111/16, fol. 25v. Lockyer concludes that Buckingham probably brokered a deal with Mandeville for the treasurership at the rate of £20,000. Lockyer, *Buckingham*, 67-68. Snobbery played a part; Cranfield had been of the privy council for only 18 months when Mandeville was appointed. Anthony Weldon found time to vilify Cranfield as brutally as James: "A creature of Northampton's--his honour he raked out of the channel; that he was nothing but a pack of ignorance soldered together with impudence--a fellow of so mean condition that none but a poor-spirited nobility could have endured his perching upon that high tree of nobility, to the dishonour of the nobility." Godfrey Goodman, *The Court of King James the First* (2 volumes; London, 1839), I, 297

<sup>97</sup>PRO SP 14/119/90, fol. 151r-152v (10 February, 1621) and SP 14/119/123, fol. 250r-251v (27 February, 1621).

<sup>98</sup>Prestwich, *Cranfield*, 323-326; CKS U269/1.OE1528 [Cranfield Ms 6770].

<sup>99</sup>Cranfield would seem to have had a lashing tongue that probably appealed to the king's own wicked sense of humour. Locke described one altercation between Cranfield and Lord Digby: 'there passed verie disgracefull wordes betwixt the[m] as marchant & insolent man on the one side, on th'other 3rd sonne of a yunger brother & a branch of a race tainted w[i]th treason'. PRO SP 14/128/9, fol. 9r-9v (2 March, 1622).

<sup>100</sup>Knafla, *Law and Politics*, 61.

<sup>101</sup>CKS U269/1.OL35 [Cranfield Ms 279] (14 January, 1620). Also the praise in U269/1.OE108 [Cranfield Ms 169] (23 February, 1619); U269/1.ON1 [Cranfield Ms 1] (Buckingham to Cranfield; 25 October, 1618) and U269/1.OE108 [Cranfield Ms 167] (Buckingham to Cranfield; 10 December, 1618).

<sup>102</sup>CKS U269/1.OE108 [Cranfield Ms 6856] (4 July, 1621); CKS U296/1.OE108 [Cranfield Ms 174] (15 August, 1619).

good opinion that ... you should not have anie cause to feare his Lo[rds]hs displeasure how much soever he should threaten against you.'<sup>103</sup>

Cranfield was exorcised to surprising honesty and candour by the support of king and favourite. Condemning the fitness of ships guarding against channel piracy, he wrote Buckingham, 'I have made bolde according to my accustomed freedome with yo[u]r Lo[rds]hs for the kings service, to deliver mine opinion cleerlie & at large'.<sup>104</sup> A draft letter for Buckingham, reporting on Cranfield and Weston's work with their project to improve forests and wastes reflected the same principle.<sup>105</sup> It was undertaken for the king's 'owne imediate use & service aswell for increase of his Ma[jes]ties yeerlie revenue as for raysing some moneyes'. Encroachments were discovered in the process which spawned suitors clamouring for the right to compound with the offenders. Cranfield was livid that they laboured 'to bring forth some fruit for the supply of his Ma[jes]ties manifold occasions' to have grants made 'against our wills, to serve private mens turnes to his Ma[jes]ties preiudice & disadvantage.' His pointed conclusion was tetchy: it would have been better never to have embarked on the project, 'then that the same should be diverted to any other course, then the advancement of the publique releme.'

Cranfield defined himself with these businesses of ships and woods. He fully believed in the royal mandate with which the treasurership seemingly endowed him. Henry Fane informed Cranfield that Buckingham had taken notice of the labours and believed James' estate 'wuld not prosper in any mans hand but your Lo[rds]hs'.<sup>106</sup> Hitherto, James had succoured others, but 'now the tables must bee burned and hee muste make much of his owne' while Buckingham 'laboured to hold the kinge in that way to ye uttermost of his power'.<sup>107</sup> Cranfield considered himself the king's servant acting for the welfare of the state. When the patronage culture and the state's welfare conflicted, Cranfield believed the public good should be accommodated first. *Salus populi suprema lex esto* was James' standard for himself and Cranfield intended to hold James and his affinity to its application in fiscal

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<sup>103</sup>CKS U269/1.OE108 [Cranfield Ms 167] (10 December, 1618); also Lockyer, Buckingham, 74.

<sup>104</sup>BL Harleian Ms 1581, fol. 87v (4 September, 1621).

<sup>105</sup>CKS U269/1.OE1059 [Cranfield Ms 305] ([30 October, 1622]).

<sup>106</sup>CKS U269/1.OE256 [Cranfield Ms 2415] (19 October, 1621).

<sup>107</sup>CKS U269/1.OE256 [Cranfield Ms 2415].

policy. Cranfield's mistakes as treasurer were first to believe he had won the argument with Buckingham and James, then to underestimate his ability to defeat the favourite and sway the king when it became clear he had not, and finally to ignore the contradiction of advancing within--and profiting by--the culture of patronage at the same time he pursued the cause of the commonweal against it.

#### IV

Precedent and history increasingly became fiscal guides for James' ministers and Cranfield--the base merchant, ironically--fully encapsulates that intellectual approach. Cranfield was deeply interested in his predecessors' policies, for which he made full use of the king's papers and Robert Cotton's library. Thomas Wilson sent him precedents for retrenchment and manuscripts on Ireland, including a book of reforms once dedicated to Burghley.<sup>108</sup> When Wilson 'perceived that your Lo[rds]hip was not willing to meddle with such newe proiectes', he sent details of revenue-raising since William the Conqueror, a work-in-progress Cranfield never voluntarily returned.<sup>109</sup> Despite triggering his removal, Cranfield employed policies and projects discussed with Mandeville and borrowed his treasury notebook.<sup>110</sup> Henry VII and Elizabeth were particular models.<sup>111</sup> Cranfield received a critical analysis of Henry VII's policies based on Bacon's life of the king.<sup>112</sup> Its attention to grants of the subject, trade, and profits of regalities reflected Jacobean norms as much as Henry's real or supposed policies.<sup>113</sup> Yet Cranfield would have empathized with the defense of Henry's rapacity as the product of 'having ev[er]ly day occasion to take notice of the necessities and shiftes for moneyes of other great princes abroad', the better to enjoy the

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<sup>108</sup>CKS U269/1.Hi257 [Cranfield Ms 8758] and U269/1.OE789 [Cranfield Ms 9460].

<sup>109</sup>CKS U269/1.OE789 [Cranfield Ms 2320 and 9460]. The portion which Cranfield retained may be U269/1.OE1375 [Cranfield Ms 6906], an undated book of precedents from Henry VII to Elizabeth of loans, subsidies, and other levies, part of which is clearly in Wilson's hand.

<sup>110</sup>PRO SP 14/123/79, fol. 109r-109v; CKS U269/1.OE1373 [Cranfield Ms 6894]. Mandeville certainly made an effort both for managing the revenues and in preparation for parliament. He borrowed Cotton's parliamentary notebooks of Edward I, Edward III, and James and the book of projects originally compiled for Northampton. BL Harleian Ms 6018, fol. 148r.

<sup>111</sup>Manuscripts of Henry VII's policies and practices were especially common among the papers of Caesar and Salisbury. For instance BL Lansdowne Ms 127; Lansdowne Ms 123, fol. 72r; Lansdowne Ms 168, fol. 211r-214v.

<sup>112</sup>CKS U269/1.OE1482 [Cranfield Ms 6902] (undated). Part of the manuscript is in Thomas Wilson's hand.

<sup>113</sup>CKS U269/1.OE1482 [Cranfield Ms 6902].

'felicity of full coffers ... spending more upon his owne state and memory then upon the deserts of others.'

Elizabethan accounts were regarded as the most efficacious balancing of expenditures and revenues and Cranfield—like Caesar and Salisbury had—intended to compare them with James', 'by w[hi]ch cowrse the differens being found it maye bee tacken into consideracon what is fitt to bee continewed and what to bee retrenched ... [and] discover the abuses of tyme paste and wyll give a good satisfaction to all well affected that his Ma[jes]ties debtes have not growen by his bounty only', but by the misgovernance of his previous ministers.<sup>114</sup> Cranfield was experienced with such methods, having received on loan from Cotton 'Dudley's book of accomptes to Hen[ry] the Seventh'.<sup>115</sup> Coupled with an abstract of Tudor household expenses through Mary, Cranfield was armed with history-as-policy when he confronted the household officers and settled an affordable establishment in 1617-1618.<sup>116</sup> With the practical information provided by weekly accounts and annual assessments, Cranfield was the best informed mind at the treasury in a decade.<sup>117</sup>

Cranfield began his treasurership much as he had outlined it.<sup>118</sup> Among his frequent remembrances, one dictated to John Osborne samples this early work.<sup>119</sup> He had a book made of all yearly payments in England and Ireland with a view to suspending as many as possible with necessity as his working criteria. Cranfield hoped to force James' creditors to discharge his debts against the gifts they had received from the king. Savings from suspended payments were to be applied to debts and Cranfield wanted it known 'how it shall be vayne for them to sue' until their was money to pay them. He intended to tighten the projects underway for disafforestation, wastes, concealments, and copyholds. James' minor servants were to be put on notice that they would be replaced if found ethically wanting. Anyone with responsibility for casual revenues was to be 'warned to remember the kinges

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<sup>114</sup>CKS U269/1.OE1140 [Cranfield Ms 541] (2 May, 1622).CKS U269/1.OE1528 [Cranfield Ms 4488] (undated). The end of the memorandum is worn, but the fragments indicate he concluded by condemning prior mismanagement; this would be in keeping with his parliamentary speech in November 1621 and his oft-repeated criticisms of this sort (U269/1.Oe1528 [Cranfield Ms 6773]).

<sup>115</sup>BL Harleian Ms 6018, fol. 150r.

<sup>116</sup>CKS U269/1.OW38 [Cranfield Ms 4721] (1617).

<sup>117</sup>CKS U269/1.OE1426 [Cranfield Ms various] (September 1621 to March 1624).

<sup>118</sup>CKS U269/1.OE1429 [Cranfield Ms 6776]. Cranfield took the usual full survey of James' estate.

<sup>119</sup>CKS U269/1.OE540 [Cranfield Ms 7503] (11 October, 1621).



necessities'. He answered with deeds the many words on Irish reform and shared initiatives between England and Ireland.<sup>120</sup> Cranfield was beginning where he meant to end: efficiency, accountability, and serving the state. In December 1621, Buckingham relayed James' great praise for his initial work, holding 'it for a great myserie that whereas at Hampton Court there was talking of pawning iewells only for his remove, now w[i]thout any such shift he is removed & his servants payed & yet money remayning.'<sup>121</sup>

Reform was naturally his *métier*. Cranfield's sympathy for James' long-suffering and unpaid officers was lukewarm and became a convenient source of savings. The lot of ambassadors and diplomats became worse when Cranfield and the council resolved on cutting or eliminating allowances for intelligence, travel, and per diems.<sup>122</sup> At one point, Cranfield departed Westminster to survey newly-purchased property in Sussex, leaving Robert Pye with signed warrants for ambassadorial payments, but orders not to process them or any other payments until his return.<sup>123</sup> Borrowing a tactic from Salisbury's commission for suits, Cranfield persuaded James to issue a proclamation against composing and presenting ready-made suits and bills to the king.<sup>124</sup> There 'ensueth a continuall vexation to his Majestie, and many times exceeding danger and prejudice both in his revenue' which must be checked by reducing the process to its 'ancient order and institution'. Those presuming to 'intermeddle with the drawing, writing, or preparing for his Majesties Signature, of any Bill, Warrant, Letter, or other instrument' would face James' 'indignation and displeasure and such imprisonment and other punishment as may justly be inflicted for their contempt'. The same applied to those who would intercede for others with such bills. James' servants who dared draw a bill without proper warrant would be suspended for 'their default and abuse.' A central proposal of Cranfield's was given royal voice and taken seriously.<sup>125</sup> Lord Keeper

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<sup>120</sup>CKS U269/1.OE108 [Cranfield Ms 2459]; U269/1.OE1528 [Cranfield Ms 8222]; CKS U269/1.OE1528 [unnumbered Cranfield Ms; one folio of remembrances in Cranfield's hand]; PRO SP 14/123/79, fol. 109r-110v; Prestwich, *Cranfield*, 348-356. For shared policies between England and Ireland, U269/1.Hi28 [Cranfield Ms 7521]; U269/1.Hi209 [Cranfield Ms 8128]; U269/1.Hi210 [Cranfield Ms 8544]; U269/1.OE1059 [Cranfield Ms 872] (11 October, 1622).

<sup>121</sup>CKS U269/1.OE108 [Cranfield Ms 2459] (7 December, 1621).

<sup>122</sup>PRO SP 14/131/54, fol. 71r-72v (22 June, 1622).

<sup>123</sup>CKS U269/1.OE455 [Cranfield Ms 17] (13 August, [1622?]).

<sup>124</sup>Larkin and Hughes (eds.), *Proclamations: James I*, 524-525 (7 October, 1621).

<sup>125</sup>CKS U269/1.OE1528 [Cranfield Ms 6770].

Williams wrote in panicky fashion to Buckingham's secretary for clarification: did it include himself, Cranfield, the judges, and the council?<sup>126</sup> The proclamation's language remained in place, but the practical effects for the 'eminent' was probably minimal.<sup>127</sup> Coupled with his demand that nothing pass which concerned James' revenue before he had vetted it, the lord treasurer was putting in place the process to stem the silver stream of James' bounty.

Regardless, Cranfield always remained an imperfect clearinghouse for suits and his best intentions needed more than administrative channels. They required the **active** support of James and Buckingham. They must refrain from pressing a suit which was not appropriate and accept a refusal from Cranfield if they persisted. Only then would others follow their lead. Cranfield had some success, but practice failed to live up to his ideal.<sup>128</sup> He hectored Buckingham within weeks of the proclamation when word reached him that James was about to grant a pension.<sup>129</sup> How could he perform the services expected of him against royal back-sliding; he relied upon Buckingham's friendship to dissuade the king.<sup>130</sup> Such object lessons abound. Questions of bounty forwarded by James preoccupied a letter of Cranfield's to Conway. With sugared words, he stonewalled on a grant to Lord Carlisle, but pledged James' direction would be 'preferred to the full' as sensitivity to circumstances allowed.<sup>131</sup> Yet, he was forced to accept a pension for Carlisle, a form of reward in complete opposition to Cranfield's principles.<sup>132</sup> Cranfield's approval of a knighthood for Carlisle's son is revealing. James' 'losse by it is but casuall' which accorded with Cranfield's thinking, yet he wished 'it might be donne as privately as may be & his Ma[jes]tie to be sparing in the like grace to others'; he dreaded it becoming a precedent.<sup>133</sup> Even where bounty fit into Cranfield's prescription he wanted it limited, discouragement meeting ever-present clamouring suitors.

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<sup>126</sup>Gardiner (ed.), *Fortescue Papers*, 161 (17 October, 1621).

<sup>127</sup>PRO SP 14/133/41, fol. 95r-95v.

<sup>128</sup>Tawney, *Business and Politics*, 213-220.

<sup>129</sup>CKS U269/1.ZZ21 (transcript of Cranfield to Buckingham; 21 October, 1621). This letter is in the form of a modern transcript preserved in the collection of Cranfield's papers at CKS. No citation of its source was given, but its contents are sufficiently in keeping with similar letters to appear reliable.

<sup>130</sup>U269/1.ZZ21.

<sup>131</sup>PRO SP 14/139/52, fol. 70r (7 March, 1623).

<sup>132</sup>PRO SP 14/140/38, fol. 66r-67v (26 March, 1623). Carlisle was to receive the residue of the deceased Nottingham's pension with an additional £316 added to it to make up an even £2000.

<sup>133</sup>PRO SP 14/139/52, fol. 70r.

Cranfield was a provocative figure to the vested interests of the patronage culture. While on embassy to Brussels, Weston tried to soothe Cranfield's distemper over tensions at home: 'I have now told yowr Lor[dship] our difficultyes abroad; I wold yow could tell me there were none at home. I am still of my old minde, that yow have wisdom, yow have power, and purposes strong enough (there cann want but constancy and unity of minds) to overcome the worst accidents that cann happen heer or theare'.<sup>134</sup> Cranfield's ego agreed with Weston's assessment of his strength. From that resolve, he was not afraid to confront either Buckingham or James. He blocked a grant for Christopher Villiers, 'being restrained therein to lands improved, which must be supplied by the disafforestationacons in hande, it cannot be the worke of a daie or weeke'.<sup>135</sup> Robert Naunton's 'severance' became an issue. Was he to receive a £1000 pension (marketable at £5000 or five years purchase), £500 of improved lands (worth £7500 at the going rate), or, the most recent overture for £500 in old fee-farm lands (worth forty years purchase or £20,000)?<sup>136</sup> Whether the last offer 'may stande with his Ma[jes]ties service' Cranfield left to James' decision. James ordered that Naunton should receive the pension until £500 of improved lands were available.<sup>137</sup> Buckingham may actually have settled the issue while negotiating the Spanish match, having received word from Conway of Cranfield's intransigence two months before James' order.<sup>138</sup>

As Salisbury had, Cranfield resolved that casual fines would be the chief stream of bounty, thereby protecting ordinary revenues.<sup>139</sup> Cranfield helped ensure that his clients obtained the farm of the greenwax monies, but James had signed petitions for numerous fines and recognizances out of them. He seems to have been desperate to find legal loophole to void the grants, asking Attorney General Coventry to peruse the patents, hear the farmers' representative, and then consult with the Exchequer barons. Cranfield was both defending his friends' interests and up-ending suits of 'the cheif thinges set apart for his Ma[jes]ties bounty' which he had not approved. Legally voiding a block of James' grants was delicate

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<sup>134</sup>CKS U269/1.OE778 [Cranfield Ms 2426] (May, 1622).

<sup>135</sup>PRO SP 14/139/52, fol. 70r. This puts a new perspective on the goals of the disafforestation project; they included the king's bounty.

<sup>136</sup>PRO SP 14/139/52, fol. 70v.

<sup>137</sup>PRO SP 14/146/74, fol. 87r-87v (13 June, 1623).

<sup>138</sup>PRO SP 14/142/67, fol. 129r-130v (12 April, 1623).

<sup>139</sup>CKS U269/1.OE1096 [Cranfield Ms 599] (20 November, 1622).

work and Coventry was to report his and the barons' resolutions to Cranfield before acquainting anyone, including the farmers. Cranfield's efforts with James' bounty very soon became the studied practice of just this sort of obstruction and legal wrangling. David Murray and James Fullerton were 'instant' with Cranfield about a pension for Thomas Murray's wife and son (£500), after 'pressing his Ma[jes]ties pleasure for dispatch.'<sup>140</sup> Cranfield refused it, arguing that Murray was Prince Charles' servant and only Charles had a right to press the king to dispense bounty on his son's behalf. Charles was conveniently in Spain with Buckingham. It is unlikely the suitors went away 'willingly contented to expect his Highnes retorne' as Cranfield claimed.

What did Cranfield, now earl of Middlesex, have to show for his labours by 1623? Very little by his own assessments.<sup>141</sup> Middlesex engineered few successes in checking expenditure. He largely kept the offices of state and household within their ordinary budgets. Accounts of spending by the cofferer are contradictory, indicating at one point reductions from £48,000 (1619) to £26,300 (1622);<sup>142</sup> at the least Middlesex kept that department of household under control. The same was true of the long-running sink-holes of the wardrobe, works, and chamber while Ireland progressively began to pay for itself.<sup>143</sup> Too often, however, these accomplishments simply masked failures in planned retrenchments and cloaked costs charged as extraordinaries.<sup>144</sup> Middlesex had hoped to save annually £20,000 in the wardrobe, chamber, and Ireland.<sup>145</sup> The growing costs of foreign policy played havoc with budgets in the navy, ordnance, ambassadors, and intelligence allowances, accounting for at least £120,000 in extraordinaries.<sup>146</sup> Some of these were beyond Middlesex's grasp, but he failed spectacularly with his favoured targets of wasteful expenditure and bounty. By 1622, consumption of wines and fruits reached gluttonous proportions against the standards of 1619 (£4304 versus £8989).<sup>147</sup> The jewel house and presents skyrocketed from a budget of £5000

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<sup>140</sup>PRO SP 14/143/60, fol. 86v (24 April, 1623).

<sup>141</sup>The ensuing discussion is drawn from four accounts covering 1619 and 1621-1622. CKS U269/1.OE1528 [Cranfield Ms 7906-7908] and U269/1.OE1430 [Cranfield Ms 6775].

<sup>142</sup>CKS U269/1.OE1528 [Cranfield Ms 7906 versus 7907 and 7908].

<sup>143</sup>CKS U269/1.OE1528 [Cranfield Ms 7906-7908].

<sup>144</sup>CKS U269/1.OE1528 [Cranfield Ms 7908] and U269/1.OE1430 [Cranfield Ms 6775].

<sup>145</sup>CKS U269/1.OE1430 [Cranfield Ms 6775].

<sup>146</sup>CKS U269/1.OE1528 [Cranfield Ms 7906].

<sup>147</sup>CKS U269/1.OE1528 [Cranfield Ms 7906 and 7908].



to actual charges in excess of £24,000;<sup>148</sup> hoped-for savings of £1000 seem silly by comparison.<sup>149</sup> Finally, pensions, fees, annuities, and rewards were again climbing to worrisome levels, from £62,895 (1619) to £73,839 (1622), ominously at the same time Middlesex hoped to pare them by £22,000.<sup>150</sup> It was the familiar story of short-term financing of ever-increasing expenditures.<sup>151</sup>

Middlesex never accepted that he was asking too much of the Jacobean patronage culture, particularly with the added wrinkles of an *alter rex*. In the suit of Captain Penyngton, Middlesex confessed 'it [is] iust and honor[a]ble for his Ma[jes]tie to reward the petio[n]ers faithfull service, to the encouragem[en]t of men of his meritt and profession; yet I doe not hold this request fitt for him to have, nor his Ma[jes]tie to graunt; the same being directly within one of the prohibited braunches of the Booke of Bounty'.<sup>152</sup> Middlesex was thus exacting and prickly, defending his axiom to 'stand against all guiftes otherwise all undon[e]', but he could not indefinitely oppose the resolution of James or Buckingham.<sup>153</sup> Yet Middlesex's downfall was not caused by questions of bounty, even if his provocative stances ensured no one stood with him in the end. His relationship with Buckingham collapsed while the favourite was in Spain, but only when Middlesex conspired with James to wreck the parliament of 1624 did Buckingham and Charles cast him to his jealous enemies.

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The Spanish match was the most delicate political issue in James' later years.<sup>154</sup> The security of the religious settlement was brought into question while fears abounded of Romish influences being brought to bear on Charles if he married a Catholic princess and allowed her freedom of worship.<sup>155</sup> James' ministers worried over its ramifications, particularly favours which might be demanded on behalf of English Catholics as a condition

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<sup>148</sup>CKS U269/1.OE1528 [Cranfield Ms 7906].

<sup>149</sup>CKS U269/1.OE1430 [Cranfield Ms 6775].

<sup>150</sup>CKS U269/1.OE1528 [Cranfield Ms 7906] and U269/1.OE1430 [Cranfield Ms 6775].

<sup>151</sup>Expenditure for 1621 was £475,764 and 1622 stood at £608,114; an increase over one year of £132,350.

<sup>152</sup>CKS U269/1.OE1493 [undated, uncalendared Cranfield Ms].

<sup>153</sup>CKS U269/1.OE1528 [Cranfield Ms 7489]; PRO SP 14/138/51, fol. 88r-89v (20 February, 1623) and SP 14/138/99, fol. 156r-157v (27 February, 1623); also Peck, *Court Patronage*, 214.

<sup>154</sup>Cogswell, *Blessed Revolution*, 6-53.

<sup>155</sup>For instance, PRO SP 14/147/80, fol. 98r (28 June, 1623); also Anthony Milton, *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought 1600-1640* (Cambridge, 1995), 58-63.

of the marriage.<sup>156</sup> Talk of the match had hung in suspension for years and Charles sought a resolution by personally wooing the Infanta in Spain, travelling in secret with Buckingham. It was a high-risk strategy of Charles' making which Buckingham supported in order to secure the heir's favour.<sup>157</sup> Against this tense, uncertain background of negotiations and princely politics, Middlesex thoroughly alienated Buckingham. The lord treasurer was not opposed to the match, but judged it principally upon financial gain from the Infanta's dowry and monies saved by a peaceful restitution of the Palatinate. However, the match would entail substantial outlays before they ever saw the Spanish gold.<sup>158</sup> For Middlesex, it was crucial to get the dowry on the cheap; there was little point spending its equivalent in securing the match. Consequently, Middlesex hectored Buckingham incessantly on all matters financial while he and Charles were in Spain.

Middlesex's immediate responsibility was to prepare an appropriately impressive fleet to return Charles and the Infanta. Middlesex moaned that he had never been 'put to such a plunge for monye, the som beinge so greate' and beseeched Buckingham to hasten their return.<sup>159</sup> For good measure he added: 'I hope yo[u]r Lo[rds]hip will not forgett the monye. I knowe not whether the necessitye or the expectation of it are greater.'<sup>160</sup> At one point, Middlesex ineptly warned of an 'Excheq[ue]r so bare of monye' and many men who were 'desirous the kinges wants maye force him to a Parlament which is not fytt shold bee in the Prynces absens considering how mens affections stand.'<sup>161</sup> The Infanta's jointure, the houses and properties from which she would support her court, was more important. Its size was material to negotiations and the Spanish expected satisfaction of her honor.<sup>162</sup> Middlesex was instructed to send a selection of properties and lands worth £50,000-60,000 from which Buckingham and Charles could make offers.<sup>163</sup> He obliged, but concluded it would be impossible to 'furnish the full some spoken of' unless it was made up out of the customs or

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<sup>156</sup>PRO SP 14/138/99, fol. 156r (27 February, 1623).

<sup>157</sup>Cogswell, *Blessed Revolution*, 59-62.

<sup>158</sup>CKS U269/1.OE1528 [Cranfield Ms 6773].

<sup>159</sup>BL Harleian Ms 1581, fol. 93r (30 March, 1623).

<sup>160</sup>BL Harleian Ms 1581, fol. 93r.

<sup>161</sup>BL Harleian Ms 1581, fol. 95r (8 April, 1623); also PRO SP 14/143/60, fol. 87v (24 April, 1623).

<sup>162</sup>PRO SP 14/144/3, fol. 3r-3v (2 May, 1623).

<sup>163</sup>PRO SP 14/144/3, fol. 3r-3v.

casual revenues.<sup>164</sup> This letter followed one to Conway in which Middlesex crabbed he could not provide more than a provisional jointure left unaware of what had already been discussed in Spain.<sup>165</sup> Middlesex was defended by Calvert over the jointure, but Buckingham could only have concluded he was being deliberately difficult.<sup>166</sup>

By the time Charles and Buckingham returned empty-handed and disillusioned in October, Middlesex knew he was in trouble. Middlesex persuaded Conway to intercede, but Buckingham was furious and cold-shouldered him.<sup>167</sup> Middlesex blamed 'those that have so busely and malitiously practized against us both' for the rupture, but his own behaviour was as much to blame as the whispers of enemies. The breach was further illuminated when Conway presented for Middlesex's vetting a petition delivered to James by Buckingham. Conway left him under no illusions it must be passed.<sup>168</sup> Middlesex retorted that the petition was a monopoly like those which had been taken away in the last parliament and offered only that the petitioner could claim the specific benefits as they occurred without a general grant.<sup>169</sup> Their shared enmity was apparent to all the day after Christmas. Thomas Locke reported that Middlesex 'hath stayed the passing of some things granted to the D[uke] of Buck[ingham] w[hi]ch makes the[m] looke strange upo[n] each other.'<sup>170</sup>

A passage of political power began upon Charles' return and continued with the parliament of 1624.<sup>171</sup> Charles and Buckingham gradually replaced the familiar axis of James and his favourite. The conventional story was described by Chamberlain: 'yt seemes the D[uke] of Buckingham ingrosses the Princes favour so far as to exclude all others both from the father and sonne. This is thought to cause some heart burning and that they ayme to take downe his greatnes upon w[hi]ch apprehension (yt is saide) he stirres not from the king, but keepest close about him, to cut off[f] all accesse.'<sup>172</sup> James' ministers were divided over

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<sup>164</sup>BL Harleian Ms 1581, fol. 99r-99v.

<sup>165</sup>PRO SP 14/144/4, fol. 4r-5v (2 May, 1623).

<sup>166</sup>PRO SP 14/144/7, fol. 8r-8v (3 May, 1623); also Prestwich, Cranfield, 425.

<sup>167</sup>PRO SP 14/153/94, fol. 122r (25 October, 1623).

<sup>168</sup>PRO SP 14/154/25, fol. 29r (11 November, 1623).

<sup>169</sup>PRO SP 14/155/15, fol. 23r-24v (4 December, 1623).

<sup>170</sup>PRO SP 14/156/3, fol. 4r-4v (26 December, 1623).

<sup>171</sup>Cogswell, Blessed Revolution, 63; also Conrad Russell, Parliaments, 145-203 on this parliament.

<sup>172</sup>PRO SP 14/158/72, fol. 91r (31 January, 1624).

the war which Charles and Buckingham were determined to have after their Spanish failure.<sup>173</sup> The Spanish were culpable in the Palatinate mess and war cries of sullied honor would play well in parliament.<sup>174</sup> Properly manipulated an assembly could provide sanction and financing for the Prince's desires.<sup>175</sup> Middlesex played his part in the drama when he and James found common ground in disagreement.<sup>176</sup> Neither believed the state could afford a war and they joined to stop the rush toward it.<sup>177</sup> After an account 'of the fowle delays and abuses of Spayne in both the Treatyes of the matche and of the Palatinate' delivered by Buckingham, parliament petitioned James to renounce all dealings with Spain.<sup>178</sup> James composed his response at Theobalds two days later in a set-speech for parliament astutely calculated to sow unrest and apprehension in the assembly.<sup>179</sup> The speech may be the single strongest argument for James' political shrewdness and his willingness to publicly double-cross Charles and Buckingham.<sup>180</sup>

James began with many stately professions of gratitude for parliament's advice. He had sought it and would not dishonour it with rejection. 'But lett mee acquaint you a little w[i]th the difficulties of this course', he continued.<sup>181</sup> First, 'I omitt to speake of my owne necessities, they are to[o] well knowne', but, James added, 'this I am sure, I have had lesse helpe of you by p[ar]liam[en]t of any king yt ever raigned over you.' That rebuke delivered, James spoke a great deal of his necessities. He had incurred substantial charges sending money to the Palatinate and dispatching peace-making embassies. To those must be added the expedition to Spain, reminding them of Charles' ill-fated wooing of the Infanta which had precipitated the entire situation. Further charges beckoned. The poor princes of Germany looked to him for assistance, the Irish back-door had to be secured, and the navy prepared. Middlesex's mind can be seen at work when James' asserted that customs were his fiscal base

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<sup>173</sup>PRO SP 14/158/72, fol. 91r-91v; Cogswell, Blessed Revolution, 77-94, 133-134.

<sup>174</sup>Cogswell, Blessed Revolution, 138-142.

<sup>175</sup>Cogswell, Blessed Revolution, 145-149, 177-179.

<sup>176</sup>James' opposition is detailed in Cogswell, Blessed Revolution, 72-75.

<sup>177</sup>PRO SP 14/160/62, fol. 100r (11 March, 1624).

<sup>178</sup>PRO SP 14/160/46, fol. 68r (9 March, 1624).

<sup>179</sup>Cogswell, Blessed Revolution, 184.

<sup>180</sup>Cogswell, Blessed Revolution, 65, 118-119.

<sup>181</sup>PRO SP 14/160/62, fol. 100r-100v.



and farmed on condition that the contracts were to be discharged in the event of war.<sup>182</sup> Consequently, he would require large subsidies, but they would take time to collect which would necessitate costly borrowing. Without sufficient supply to enter into war was 'but to shewe my teeth and doe noe more; In the meane time I hartily thancke you for your advise [and] I pray you to consider of these other p[oin]tes.'

James played upon his own parliamentary reputation to revive old doubts lost in the present goodwill. If he chose the path of war, he pledged parliament by its own 'deputies shall have the disposing of the money'.<sup>183</sup> It was no secret members wondered aloud how much of the subsidies voted in 1621 had gone to the Palatinate.<sup>184</sup> While reiterating this assurance, James, in off-hand fashion, slipped in what could surely destroy the entire session: 'Give mee what you will for my owne meanes, but I p[ro]test none of the monyes w[hi]ch you shall give mee for those uses shall be issued but for those endes & by men elected by yourselves.'<sup>185</sup> He had just asked parliament to supply his own necessity **and** the cost of war. Further, if they funded a war, he would not make a peace without consulting them.<sup>186</sup> That James might do just the opposite was an constant fear.<sup>187</sup> Finally, James expressed a heartfelt desire to end his days making good laws and remedying grievances with his subjects, a dramatic reversal in the eyes of James' contemporaries and one alien to Conrad Russell's shrewd assessment of James' parliamentary interests.<sup>188</sup> Fully embraced, that task could side-track parliament--and Baron Tell-clock!--for months. It was also an invitation to re-enact the rancorous feuds over grievances and supply. James had raised enough contentious issues to destroy the momentum of the session.

Members received James' word on 8 March and 'Sir John Eliot then proposed that given the "manye strange Reports" of James's speech, "all members may take Copies" of James's reply in order to prepare for "debating and treating of the Things herein

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<sup>182</sup>PRO SP 14/160/62, fol. 100v.

<sup>183</sup>PRO SP 14/160/62, fol. 100v.

<sup>184</sup>PRO SP 14/160/62, fol. 101r; Cogswell, *Blessed Revolution*, 199, 260-261.

<sup>185</sup>PRO SP 14/160/62, fol. 100v.

<sup>186</sup>PRO SP 14/160/62, fol. 100v.

<sup>187</sup>PRO SP 14/163/16, fol. 29r (19 April, 1624).

<sup>188</sup>PRO SP 14/160/62, fol. 101r; Russell, *Parliaments*, 45-48.

propounded'.<sup>189</sup> Middlesex entered the fray in the Lords the same day, following James' instructions to 'informe you of these thinges yt[that] concerne my estate.'<sup>190</sup> Middlesex was honest, deliberately so. The Infanta escapade and manoeuvrings to recover the Palatinate had cost £661,670.<sup>191</sup> Diplomacy consumed the king's money at the rate of £145,763, postage ate up £14,836 more, and £113,000 had been spent on Charles' wooing. £172,888 was disbursed for the Palatinate's defense while Princess Elizabeth and the Elector Palatine were supported by £30,300. Finally, James owed another £106,508 to various creditors, including the king of Denmark, for Palatinate disbursements. James had taken in £371,640 in extraordinary receipts including the unpopular 'contributions' levied by benevolence.<sup>192</sup> Middlesex had given a full account of the costs of failure in the Palatinate and a rough wooing for which members of parliament had had as little taste as the Infanta. The lord treasurer performed his task like his predecessors Dorset or Salisbury, spelling out James' extraordinary charges and his estate's necessity before asking parliament to make them good. Weston delivered Middlesex's summary to the Commons on 10 August.<sup>193</sup>

Not surprisingly, both houses stuck upon the very question of supply and Charles rushed 'to give his owne sense therof', a message Calvert dutifully outlined on 12 March.<sup>194</sup> James did not intend for them to clear his debts; he only sought to illustrate the necessity of financing the war through parliament.<sup>195</sup> Charles also promised that future sessions would be held to give them time to deal in commonwealth matters, **after** the war issue had been decided. The prince tried to rally his cause with a plea to consider how far matters had already gone and the necessity to continue with expedition. It was a matter which concerned both the king's and prince's honor, 'this being his first action of his entrance into the world.' Finally, Charles slyly directed their thoughts toward his reign. He 'would acknowledge our cares & that when the tyme should serve heerafter we shall not thincke our labours ill

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<sup>189</sup>Cogswell, Blessed Revolution, 187.

<sup>190</sup>PRO SP 14/160/62, fol. 100v.

<sup>191</sup>CKS U269/1.OE1413 (10 March, 1623[1624]); PRO SP 14/160/62, fol. 101r is less accurate.

<sup>192</sup>CKS U269/1.OE1413; PRO SP 14/160/62, fol. 101r.

<sup>193</sup>Cogswell, Blessed Revolution, 187.

<sup>194</sup>PRO SP 14/160/67, fol. 108r; Cogswell, Blessed Revolution, 193-194.

<sup>195</sup>PRO SP 14/160/67, fol. 108r.

bestowed.' This last point proved most soothing to any lingering doubts after the Commons' vague pledge of parliamentary assistance.<sup>196</sup> The joint resolution of lords and commons acknowledged that James' meaning had been to inform them his estate could not sustain the cost of war.<sup>197</sup> They pledged that upon the treaties' dissolution 'we wilbe reddey in a parliamentary manner w[i]th o[u]r p[er]son & abillities to assist'.<sup>198</sup>

Instead of sticking doubts into parliament like fine pins, James' next address slashed at consensus. Members proceeded from a false assumption: 'Buckingham made a relacon to you by my comandment ... but I never yet declared my mynde upon it.'<sup>199</sup> As Jupiter's thunder follows his words, so a 'King should not speake except hee maintayne it by action.' He thanked them for their pledge of assistance, but their general pledge was no basis on which to begin a war or induce others to join him; 'unlesse p[ar]ticuler meanes bee discovered it is little to the poynte.... I will deale freely w[i]th yow and tell yow plainely what I thincke will doe the turne'. James undoubtedly intended to wreck the session when he asked parliament to 'bestowe uppon this greate busines 5 subsidies and 2 fifteenes to every subsidie. And for my owne necessities my cryeing debtes are soe heavie that noe man can bear them ... I desier yow would give mee one subsidie and 2 fifteenes **yearely** untill my debtes be paied.' What members thought of James' request for something akin to a Great Contract to pay his debts can only be imagined. Thomas Cogswell is equivocal about James' intentions with this speech, interpreting it more as forthrightness than mischief.<sup>200</sup> Within the context of fiscal policy and the Jacobean experience with parliamentary supply, James' request was stunningly extreme and well-nigh provocative. Parliament had always resisted any obligation to pay the king's debts. Further, James had never demonstrated the ability to govern without accumulating debt. By this scheme, parliament might have been paying off his debts until death took him. Salisbury had asked for essentially the same deal in 1610.<sup>201</sup> If the Great Contract was any precedent, argument and debate in fashioning such an agreement would

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<sup>196</sup>Cogswell, *Blessed Revolution*, 194.

<sup>197</sup>PRO SP 14/160/76, fol. 126v (14 March, 1624).

<sup>198</sup>PRO SP 14/160/76, fol. 127r.

<sup>199</sup>PRO SP 14/160/78, fol. 130r-130v ([15 March], 1624).

<sup>200</sup>Cogswell, *Blessed Revolution*, 195-198.

<sup>201</sup>£200,000 annually and £600,000 up-front were roughly the equal of the subsidies James had requested.

have been endless--and fruitless. James fed parliament some final tasteless food for thought. Members must balance the immediacy of the sum with its burden, while he pledged again not to make a separate peace without advising them. Lastly, he promised sessions in the fall and following spring, and reminded them that he meant to make 'this a session w[i]th the passing of as many good lawes as in convenient tyme may bee prepared.'<sup>202</sup>

Political destruction in his wake, James 'putt off his hat to them and went his way'.<sup>203</sup> Reaction to this comedy of errors was captured by Edward Nicholas (MP). James' first speech was given 'in such manner and w[i]th such wordes as that it was thought to contradict all that had either beene done or sayde before by the Pr[ince] or Buck[ingham] and the whole talke of the cyty and cuntry was that all yt[that] had been delivered in our house was now by the king disavowed.'<sup>204</sup> Members who 'were to take noates and report for us durst not avow theyr noates publiquely' while the entire incident 'gave greate incuragm[en]t to the papistes'.<sup>205</sup> As for James' second outing, the young Dudley Carleton wrote his uncle: 'it strucke a great reserve amongst those of the committee, and put them to such a silence that there was not heard so much as one God save the king'.<sup>206</sup> Charles and Buckingham were left 'to cleare the cloudes and to remove the obscuritie'.<sup>207</sup> According to Charles correction, Buckingham persuaded James to accept instead 6 subsidies and 12 fifteenths for the war and drop supply for his own debts.<sup>208</sup> James significantly refused to let the speech be amended to remove the contradictions; so it entered the parliamentary record.<sup>209</sup> Not surprisingly these reassurances 'did not settle the mindes of the house'.<sup>210</sup> It required some of the hardest parliamentary political manoeuvring in the reign by Buckingham's and Charles' clients and like-minded allies to prevail in the Commons.<sup>211</sup> Parliament finally offered 3 subsidies and

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<sup>202</sup>PRO SP 14/160/78, fol. 131r.

<sup>203</sup>PRO SP 14/160/89, fol. 146v (17 March, 1624); Cogswell, Blessed Revolution, 195-198.

<sup>204</sup>PRO SP 14/160/81, fol. 135r ([15] March, 1624).

<sup>205</sup>PRO SP 14/160/81, fol. 135r.

<sup>206</sup>PRO SP 14/160/89, fol. 146v (17 March, 1624).

<sup>207</sup>PRO SP 14/160/89, fol. 146v.

<sup>208</sup>PRO SP 14/160/78, fol. 130v.

<sup>209</sup>Lord Journal, III, 265.

<sup>210</sup>PRO SP 14/160/89, fol. 146v-147r.

<sup>211</sup>Cogswell, Blessed Revolution, 199-215.



fifteenths to be collected the first year after James' formally broke the treaties.<sup>212</sup> James did not refuse this offer well-short of his demands, but there is scholarly division over the enthusiasm with which he accepted it.<sup>213</sup> Parliamentary wrangling ensued for the some weeks because of the slowness with which Jupiter prepared to loose his thunder: 'Sir Edward Conway, the secretary's son, observed with characteristic whimsy that James argued the merits of faith alone while the Commons insisted as well on the efficacy of good works'.<sup>214</sup> If the 'session never seemed to progress from suspicion to accord' in Cogswell's words, it was because members understood there was a significant difference between *Rex Pacificus* accepting subsidies for war and actually making good on their bellicose desires.<sup>215</sup>

Neither Charles nor Buckingham could have had any doubts who had guided James. Middlesex's complicity in James' first speech could be excused as the performance of his office, but he almost certainly focused James on demanding specific sums from parliament.<sup>216</sup> When Middlesex, seconded by the earl of Arundel, pressed the point in the Lords, Charles countered that 'all the rest of the L[or]ds were of a contrary opinion [and] it must not be their two voices that should hinder the common resolution.'<sup>217</sup> Both men later excused themselves before Charles, but Middlesex had doomed himself: 'it is well knowne, the Tresorer hath kept his chamber at Chelsey ever since, being sicke of the caquerelle.' Middlesex's impeachment received remarkably little attention from Cogswell except to say that it was an unwanted distraction from the subsidy for Charles and Buckingham.<sup>218</sup> Prestwich found in it a millstone to grind her many axes against James, the duke, and Middlesex's debased contemporaries.<sup>219</sup> Despite being unfashionable, Tawney's remains the most unaffected judgment: 'It is difficult, however, to resist the evidence that Buckingham

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<sup>212</sup>BL Additional Ms 64878, fol. 82r-83v ([24 March, 1624]).

<sup>213</sup>According to Cogswell, Simon Adams and Conrad Russell concluded James was 'less than excited'. Cogswell, *Blessed Revolution*, 215; Russell, *Parliaments*, 187-190. Cogswell sees in James' speech of acceptance 'the reluctant warrior, that of the honest peaceable man provoked beyond his limits of Christian forbearance' while pointing to contemporaries' happy reaction to it. Cogswell, *Blessed Revolution*, 216.

<sup>214</sup>Cogswell, *Blessed Revolution*, 250 and 227-261 generally.

<sup>215</sup>Cogswell, *Blessed Revolution*, 250 and 266-281.

<sup>216</sup>PRO SP 14/160/89, fol. 145v.

<sup>217</sup>PRO SP 14/160/89, fol. 145v.

<sup>218</sup>Cogswell, *Blessed Revolution*, 233.

<sup>219</sup>Prestwich, *Cranfield*, 440-461.

and Charles, if they did not prompt the plan, quickly made it their own, and, once resolved on it, left little to chance.<sup>220</sup> Years of resentment and court politics finally called Middlesex to account. That it would be public destruction by impeachment was almost certainly necessitated by Middlesex being the only person with the stature to oppose the war on fiscal grounds, the one basis yet sufficient to frighten wavering or fainted-hearted members of parliament.<sup>221</sup> Conway's son wrote gleefully to Carleton, 'if you are any way enclined to mischeefe it will be as mutch pleasure to you to heare that he is ruined as it is delight to us to ruinne the Lord Treasurer'.<sup>222</sup> The younger Carleton was more thoughtful: the commons 'have declared him most unworthy; and desired iustice of the LI[or]ds; the particularities are not in themselves of so crying a heinousness, as might not be excused in these tymes ... it is concluded he will be punished most exemplarely unlesse the king do mitigate animos'.<sup>223</sup>

Middlesex's impeachment puts his career in perspective. Ironically the means of his destruction were charges of corruption in the wardrobe, accepting bribes from customs farmers, 'extorting double fees' for livery as master of the wards, and 'mismanagement of the ordnance'.<sup>224</sup> Prestwich's analysis leaves no doubt that Middlesex made money in his offices, particularly the wardrobe and wards.<sup>225</sup> There existed an irreconcilable conflict between this behaviour and Middlesex's carping about the mismanagement of the king's bounty and unfaithfulness of ministers. He was guilty of profiting from office and the possibility always existed that, perhaps for political ends, Middlesex might be held to his own standards and found wanting.<sup>226</sup> The seminal contradiction is that, when that moment came, Middlesex believed the king would rescue him.<sup>227</sup> He expected to be absolved of the charges against him because of the favour in which James held him. In this sense, Middlesex never escaped the patronage culture in which he served. And to this fact must be attributed much of

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<sup>220</sup>Tawney, Business and Politics, 238 and 231-274; despite its biases the discussion in Prestwich, Cranfield, 440-461 remains useful; also Peck, Court Patronage, 189-190.

<sup>221</sup>Russell, Parliaments, 15 is correct also to emphasize the importance of removing Middlesex's influence from the privy council.

<sup>222</sup>PRO SP 14/163/1, fol. 1v (18 April, 1624).

<sup>223</sup>PRO SP 14/162/56, fol. 97r (15 April 1624).

<sup>224</sup>Prestwich, Cranfield, 448-453; Tawney, Business and Politics, 238-262.

<sup>225</sup>Prestwich, Cranfield, 375-422; CSPD 1620-1623, 335-336.

<sup>226</sup>PRO SP 14/162/56, fol. 97r-98v and SP 14/163/2, fol. 3r-4v (18 April, 1624).

<sup>227</sup>PRO SP 14/163/74, fol. 110r-111v (30 April, 1624)

Middlesex's failure to decisively alter the balance between the demands of patronage and governance in crown finance, a failure he shared, for the same reasons, with James, Salisbury, Northampton, Ellesmere, Bacon, perhaps even Buckingham.

James did intervene on Middlesex's behalf. It was a sad testimony of both men's fate at the hands of Charles and Buckingham.<sup>228</sup> 'The king came to Whitehall,' wrote Thomas Locke, 'to speake to the upper howse in the behalf of the Lo[rd] Tre[asure]r. He tolde the[m] that he was come to signe a Psalme unto the[m] of mercie & iustice concerning a servant of his whom they had questioned, being one that was comended unto him by the D[uke] of Buck[ingham] & said that he had done him good service. The K[ing] told the[m] he was a King of a facile & free dispositio[n] & readie to give & that the Lo[rd] Tre[asure]r had made stave of some things that he had given for w[hi]ch the king said he liked him the better & that he had perhaps for that contracted the envie of many against him. And for the matter of the impositio[n] upo[n] the wine, it was done for his service & he had the money & therefore that they might aswell arraigne him for it as his Tre[asure]r. And heere the Prince beeing spoken unto by one of the Ll[ord]s to tell the K[ing] that he had not bin questioned for that in the howse the Prince finding oportunitie did so, but the King told him he lyed & so did he that told him so, but in conclusion the K[ing] left him to the howse, to be proceeded w[i]th'.<sup>229</sup>

Middlesex once wrote (with genuine self-awareness): 'So as it now appears, that my dutie & care to doe his Ma[jes]tie right did begett this ill-affection ... which notwithstanding must not, nor shall discourage or dishearten me, in discharging the faith & dutie I owe to His Ma[jes]tes service, who I doubt not, will as in this, so upon all occasions graciouslie stande by me in my so doing & believe that the like murmurs and & complaints which naturallie follow men in my place maie have the like unworthy foundacons.'<sup>230</sup> That the king could not stand by his lord treasurer in 1624 demonstrates that both men had failed for serving the commonweal. *Salus populi suprema lex esto* had proven a difficult philosophy for Middlesex and James to turn into political practice.

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<sup>228</sup>On the relationship between James and Buckingham after the session, Cogswell, *Blessed Revolution*, 269, 300-301, and 314-315.

<sup>229</sup>PRO SP 14/164/53, fol. 92v-93r (8 May, 1624).

<sup>230</sup>PRO SP 14/153/8, fol. 8r (2 October, 1623); also Tawney, *Business and Politics*, 263-274.

## CONCLUSION

### Crown Finance and Governance under James I

#### I

A study of this length and complexity particularly demands that we revisit its main arguments and seek to place them in the larger perspective of the period. The central premise is that financing the Jacobean state was the seminal question of governance for James and his ministers. That crown finance and fiscal policy are worthy of this attention merits an explanation itself. It begins with recognition that the essential responsibility within any polity is the preservation of governance. The continuance of which is the elementary premise of both politics, the civil philosophy, according to Maurizio Viroli, whose basic elements must include 'the rule of law, consent, [and] the implementation of the common good' and the art of the state, politics as preservation and advancement of the ruler's power.<sup>1</sup> James VI and I, like generations of civic philosophers before him, might triumph the public good, *salus populi suprema lex esto*, but all discussions of common weal rested on the presumption that there existed a governing authority within the city, republic, principate, or monarchy which was empowered to act for that end.

The language of politics and reason of state progressively fused over the sixteenth and seventeenth centuries with two contradictory elements. The traditional civil philosophy stressing virtue and the public good remained—and seems a precursor of James' own philosophy: Princes must 'rely upon good counselors and guarantee justice to all his subjects.... Being just to all, the prince protects himself from the hatred of subjects. In his public person he is justice, and the subjects who appeal to him appeal to justice. If a prince disregards the administration of justice and pursues his own appetites, he corrupts the institution of the Principality into the most pernicious private power.... The more the prince is absolute, the more he must endeavor to pursue justice since principalities have been instituted for the good of the subjects.'<sup>2</sup> Yet the same writer, Giovanfrancesco Lottini, proscribed no

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<sup>1</sup>Viroli, Reason of State, 68-70 and 238-280.

<sup>2</sup>Viroli, Reason of State, 241-243.



prevarication on the part of princes in wielding 'the rules of the art of the state, no matter if they are repugnant to the principles of justice.' The preservation of the state for Lottini surrounded the 'appointment of magistrates and the distribution of public offices', but the primacy of reason of state was clear: 'The first concern of the new prince in the phase of consolidation of his power must then be that of changing the "laws of state" to be sure the government is in the hands of his friends. Later on the state will guarantee justice, but its origin and establishment require an arbitrary discrimination.' Implicitly, the continuation of justice and good government required the preservation of the 'state', in short, the preservation of the prince as *lex animata*, the spirit of the law or the living law.<sup>3</sup>

The responsibility for continued governance and the provision of good government in the early-modern English polity resided in the monarch, where 'one onely ruleth, and hath souerantie: directing such his gouernement (next vnto the glorie of God) vnto the prosperous, and happy estate of his subiectes.'<sup>4</sup> An unsettled succession drove William Cecil to philosophize on and devise plans for an enforced interregnum whose sole purpose was the continuation of governance until the proper monarchical basis of the polity was restored.<sup>5</sup> Cecil could envision 'England without a monarch', but he could never conceive of the interruption of governance in the realm.<sup>6</sup> While popish plotting and an unsettled succession drove Elizabethan's to distraction, the hydra of evils which might befall the Jacobean polity had more to do with bankruptcy, penury, or the inability to fund a watchful peace—'I need not speak unto your Lordships in how dangerous and fearful estate this kingdom should rest for wanting means', Salisbury told the Lords in 1610.<sup>7</sup> Further, James' ministers articulated with increasing vehemence that the king's necessities were the state's necessities: 'Now his Majesty's charges being likely more and more to increase, there needs a supply answerable to the expense, for otherwise as in a natural body where there are diuers diseases yet albeit all be

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<sup>3</sup>John Procope, 'Greek and Roman political theory', J. H. Burns (ed.), The Cambridge History of Medieval Political Thought c. 350-c. 1450 (Cambridge, 1988), 26-27; D. M. Nicol, 'Byzantine political thought', Burns, Medieval Political Thought, 64-65.

<sup>4</sup>Charles Merbury, A Brieue Discovrse of Royall Monarchie, as of the Best Common Weale (London, 1851) [STC 17823], 8.

<sup>5</sup>Alford, 'William Cecil', 126-140.

<sup>6</sup>Alford, 'William Cecil', 135.

<sup>7</sup>Foster (ed.), Proceedings 1610, I, 6.

cured but one, all the humours will fall to that and gangrene and so destroy it, so in like sort in the political. For unless some course be taken, the state will be but in a hectic fever.<sup>8</sup> And members of parliament agreed that their 'King and the Prince must live in honor and plenty, if not in plenty, not in safety [and] we not in plenty', even if they disagreed on the apportionment of fiscal responsibility.<sup>9</sup> The greatest practical challenge to the continuation and preservation of governance under James was fiscal necessity. It is these circumstances which make explicable the disjunctive interpretations of political principle and practice in fiscal policy throughout James' reign, never more so than in 1610.

## II

The fiscal foundations of the Tudor monarchy had reached their limits by the close of the sixteenth century. It was, in Lord Treasurer Buckhurst's words, a situation of 'grete paymentes & of our smal meanes'.<sup>10</sup> James' ministers faced greater difficulties than any in the previous hundred years: they did not serve a fiscally canny monarch (Henry VII), could not erect a new treasury by pillaging the church (Henry VIII and Edward VI), and were seldom able to supply their master's needs through parliament (Elizabeth);<sup>11</sup> a perspective strikingly developed by Salisbury at the opening of parliament in 1610.<sup>12</sup> There existed a genuine sense of disjunction between the Tudor past and the harsh realities of Jacobean England. The crucial point of departure was the patronage culture which had been largely held in check by Elizabeth's parsimony and the enforced stringency of the war with Spain. James' dispensing of bounty, at turns politic and foolishly generous, became the norm at the same time the peace of 1604 brought the court and patronage culture back into the European fold during the emerging age of baroque. 'In little more than a generation,' Malcolm Smuts has written, 'the English court evolved from a backwater into an environment whose sophistication astounded Peter Paul Rubens in 1628.'<sup>13</sup> Not only was competition occurring on a new level of magnificence, but a century of inflation ensured that the costs of fulfilling the Renaissance

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<sup>8</sup>Foster (ed.), *Proceedings 1610*, I, 5.

<sup>9</sup>Foster (ed.), *Proceedings 1610*, II, 35.

<sup>10</sup>HH Salisbury Ms 183, fol. 146r (20 February, 1603).

<sup>11</sup>Gunn, *Early Tudor Government*, 109-162 and Guy, *Tudor England*, 379-389.

<sup>12</sup>Foster (ed.), *Proceedings 1610*, II, 19-21.

<sup>13</sup>Smuts, 'material culture', 86.

ideal of being a bountiful prince were even more challenging. Released from its Elizabethan constraints, the patronage culture, in its abstract and personal guises, soon exhibited imperatives of consumption and financial demand which redefined the character of fiscal policy: pensions routinely cost in excess of £60,000 per annum and James' debts were seldom less than £500,000 while Suffolk built the magnificent Audley End for an awesome price, Somerset's bride, Frances Howard, received £10,000 in jewels as a wedding present from the king, and Cranfield was making £12,000-14,000 annually **before** his appointment as lord treasurer.<sup>14</sup>

James presided over a vast hierarchical welfare state for the elite and their social dependants that was also, as Linda Peck has conclusively demonstrated, the practical extension of government and administration.<sup>15</sup> The pervasiveness of the patronage culture should not overshadow the wide-ranging matters of practical governance for which James, his ministers, and the full body of crown officials were responsible.<sup>16</sup> Whether as a means of privatizing certain of these functions, licensing apprentices for instance, or as a way of raising revenue to fund direct administration, projects were integral to Jacobean government. We have seen the pervasiveness of projects and the projecting mentality through all facets of crown finance and fiscal policy as James' ministers scrambled to mobilize economic resources. Simultaneously, projects were an essential component of financing the patronage culture, nowhere more dramatically illustrated than in the volumes of 'suits and projects' belonging to Salisbury and Caesar. In theory projects like licensing alehouses or fishing busses were ideal pairings of private initiative and public gain. Yet despite the best efforts of ministers and their multiplicity of projects and policies, the Jacobean polity survived only on a hand-to-mouth basis.

Julius Caesar repeatedly presented us with the framework for discussing chronic deficits and debts: retrenchment, improvements, new revenues, and parliament. Ministers regularly counselled retrenchment in bounty and costs of government: Salisbury in James'

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<sup>14</sup>Dietz, 'Receipts and Issues', 158-163; Akrigg, Jacobean Pageant, 94-97; Prestwich, Cranfield, 375-380.

Cranfield's profits were those from the court of wards and wardrobe.

<sup>15</sup>Peck, Northampton, 64-100 and 146-167; Peck, Court Patronage, 1-46.

<sup>16</sup>Aylmer, King's Servants, 1-68 is instructive despite its Caroline focus.

first decade and Coke and Ellesmere again in 1615; some even confronted expenditure as Salisbury did with the book of bounty and Northampton with the naval commissions (1608 and 1613). But, until 1617, James and his ministers pursued a different course to abatement, the one to which he and they were understandably more amenable: new and improved revenues to meet expenditure. Year-after-year increases in revenue accompanied with recurring, often growing deficits make the case in blunt terms.<sup>17</sup> The pairing of Robert Cotton's fiscal tabulae with projects held by ministers as well as the great project examinations (1607-1609 and 1612-1613) illustrated the ascendancy of projects in the repeated attempts to balance the ledgers from the revenue side.

James' ministers were wedded to projects yet they--and the 'public'--found glaring deficiencies in them. Salisbury and Cranfield believed those in hand were an inadequate response; that James died in debt bears out their contention. The prevalent charge against many of these suits and projects attacked the corruption and extortion--real and perceived--of projectors and undertakers. Ben Jonson found abundant material here for hard-edged satire in The Devil is an Ass. Members of parliament, who, with their constituents, most intimately experienced their effect, criticized projectors' work in their localities and as a larger facet of governance. Their spirited, sometimes vicious attacks on the likes of Giles Mompesson in the parliament of 1621 are indelible. Cranfield established his reputation as a hater of projects in that assembly while his patron Ellesmere had earlier seen the self-aggrandizement of projectors as a crucial part of the fiscal maladministration plaguing James' estate and his relations with parliament. Among many ministerial reservations, Dorset gave us, perhaps, the epitaph of projects when he condemned their large promises and little performance.

Balancing private and public gain was the underlying question for this financial system conceived in terms of projects and fiscal policies built around them. James ministers were effectively seeking the point of equilibrium between the consumptive interests of the patronage culture and the fiscal requirements of the state in discharging the responsibilities of

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<sup>17</sup>Revenues of £315,384 in 1606 and £324,075 in 1607 increased to £415,586 by 1619 and in 1624 reached £539,903. BL Lansdowne Ms 164, fol. 419r, PRO SP 14/28/60, fol. 110r (29 September, 1607), BL Additional Ms 58833, fol. 10r (1619), and Prestwich, Cranfield, 368 respectively. The Caroline improvements were even more remarkable, from £618,379 at the death of Lord Treasurer Weston in 1635 to £899,482 in 1641. PRO E 407/78/5, fol. 4v and Sharpe, Personal Rule, 129.



governance. The customs farms epitomized these competing forces, assigning a fixed revenue to the crown out of its fiscal entitlement and consigning all gains above the contracted price to private individuals. For instance, Cranfield farmed the sugar customs for £2000 while pocketing £4000; he was churlish enough to complain this was poor compensation for giving up the mastership of the wardrobe which left him with £8000 after its bills were paid.<sup>18</sup> It was a familiar story: in 1613 Salisbury's son made £7000 on the silk farm, Suffolk £5800 from currants and gold and silver thread, the earl of Montgomery £2000 from draperies, Cumberland £3000 on white cloth, and over £10,000 went to the farmers of French wines.<sup>19</sup> Around this time, Caesar and Northampton hoped to increase the king's takings by £6000 from French wines, £4000 from silks, and £5000 from currants, but these improvements would have to wait until the leases lapsed and were only conditional.<sup>20</sup> It was difficult for governance to have priority, even equality, when such powerful, interested individuals held the largest stake in these crown revenues.

This was the crux of complaints with projects, particularly those which were less economically robust than customs and impositions. Cranfield melodramatically opined in 1621 that the king had not seen £400 from some 60 patents and John Carville asserted in the same parliament that of every £1000 levied according to those grievous projects only £200 reached the royal coffers.<sup>21</sup> This was true overall and persisted despite the increasingly strong negative counsel given James by his ministers as the reign progressed. Coke was adamant that questionable suits and projects had diverted large sums from the crown while bringing disrepute upon it for the projectors' behaviours.<sup>22</sup> Ellesmere thoroughly seconded Coke and believed investigations and suspensions of these patents and projects were essential, as were entrusting the execution of projects to trustworthy individuals in future and ensuring the overwhelming majority of fiscal benefit was the king's.<sup>23</sup> The essential problem

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<sup>18</sup>Prestwich, Cranfield, 376-377.

<sup>19</sup>CKS U269/1.OEc25 [Cranfield Ms 4039] ([March, 1613]); also Prestwich, Cranfield, 21-24. Another document identified gains of £10,000 for Salisbury and £6200 for Suffolk while confirming the rest. BL Cotton Ms Cleopatra F VI, fol. 96v

<sup>20</sup>BL Lansdowne Ms 165, fol. 240r (7 November, 1613); BL Cotton Ms Cleopatra F VI, fol. 95r-95v.

<sup>21</sup>Notestein, Relf, Simpson (eds.), Debates 1621, II, 87-90.

<sup>22</sup>HHL Ellesmere Ms 441/2 (July, 1615).

<sup>23</sup>HHL Ellesmere Ms 441 and 2610 (September 1615).

was identified in much the same language when Coke proposed that 'no subiecte to lyve on the king untyll the king be hable to lyve by hymselfe', Ellesmere decried that 'much waye hath bene gyven to these importune suitors by those who had the charge and husbanding of the kinges treasure', and Cranfield proclaimed that 'to move the king to give now is to move the king to mack him selff miserable for the present & to kepe him soe.'<sup>24</sup> Members of parliament and James' own ministers were convinced that the balance between private and public gain was dangerously and scandalously skewed in practice with projects. Cranfield in particular believed the governance of the realm was being progressive subsumed within the demands of the patronage culture.<sup>25</sup>

This conflict between patronage and governance was inherent to projects and, logically, accentuated within the crown finances and fiscal policy because of their project bases. We have seen that Salisbury, Ellesmere, and Cranfield offered contrasting policies in balancing the patronage culture and governance. The three ministers were agreed on the deleterious aspects of projects, but Salisbury (and Northampton) and Ellesmere remained supporters of the projecting mentality while Cranfield's enthusiasm was more lukewarm and situational. Salisbury saw the benefit of suits and projects as patronage, rewarding patentees own industry in seeking personal gain, accepting a share of the profits for the crown, but, importantly, protecting established revenues from diminution for purposes of reward.<sup>26</sup> However, as early as 1605, Salisbury and other councillors advised James that projects must not become a license to extort money from subjects to their 'infinite grudge' against the crown. The incessant pressure of suitors and James' lack of restraint prompted Caesar's and Salisbury's efforts with the commission of suits, book of bounty, and recommendations for a formal commission to examine projects. Even together with plans for budgeting the offices of state and payments for James' core affinity, Salisbury was seeking only to manage or contain the patronage culture's demands upon crown revenues. As he told James, it was

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<sup>24</sup>HHL Ellesmere Ms 441 and 2160; CKS U269/1. OE1528 [Cranfield Ms 6770].

<sup>25</sup>Above, 227-240.

<sup>26</sup>This was particularly explained by Salisbury over grants of the benefits of recusancy. PRO SP 14/15/105, fol. 169v (24 October, 1605).

preferable to find the money to finance the household than clean its Augean stables of waste and corruption.<sup>27</sup>

Salisbury aggressively, perhaps more aggressively than any of James' treasurers, expanded crown revenues to balance the equation. Endowment, new revenue, was paramount in Salisbury's goal of refoundation. We have seen the range of projects that he and Caesar--and Dorset--examined and then pressed to fund the needs of governance and patronage, impositions foremost among the former. Salisbury's plan for parliamentary endowment in 1610 was not unlike a project writ large. In the eventual form of the Great Contract--the moniker itself is highly indicative--it was a composition with the political nation for relief from the prerogative powers of purveyance, wardship, and other individual projects. Salisbury's emphasis on the revenue side of fiscal policy is clear. Caesar's original analysis of the Contract posited no net revenue gain, but its corrected form, certainly reflecting Salisbury's perspective, cast a sceptical eye upon both posited improvements and, particularly, abatements. When parliament reconvened in the fall, this revised, but inadequate gain was the basis from which Salisbury sought to induce the Commons to increase their offer. Salisbury's principle aims in refoundation were to reduce the dependency upon projects and endow the crown with a new revenue which he was determined would not be alienated for bounty, for supporting the patronage culture.<sup>28</sup> Significantly, it was only when the Contract collapsed that Salisbury most forcefully and practically made the case for sustained retrenchment as the primary road out of the fiscal morass.<sup>29</sup>

After 1612, ministers including Caesar, Northampton, Lake, Coke, and Ellesmere tried their hands at striking a balance between patronage and governance. Following the ineffectiveness of the first treasury commission and disastrous Addled Parliament, Ellesmere consciously looked to the Elizabethan past and articulated a program which was the precursor of Cranfield's treasurership. While asserting the importance of revenue expansion, Ellesmere believed, in a departure of emphasis from Salisbury's refoundation, that James' first problem was maladministration. The officers who had charge of the king's finances were to blame for

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<sup>27</sup>Croft (ed.), 'Several Speeches', 286.

<sup>28</sup>Foster (ed.), *Proceedings 1610*, I, 158; Foster (ed.), *Proceedings 1610*, II, 278.

<sup>29</sup>Above, 186-190.

their negligence, peculation, and tolerance of, or complicity with, corrupt and incompetent projectors and other suitors. Ellesmere was looking to reform the patronage culture and the contagion its demands brought to James' finances. The dozens of projects he proposed for ready money and new revenues would do much to restore fiscal health, but only in the hands of faithfull undertakers and once the fraudulent and feckless has been called to account. 'When all or some of the thinges before mencioned shall be begunne & in doinge,' Ellesmere concluded dramatically, 'then yt wyll be requisite to calle a p[ar]lement, And yt is not to be doubted, but his Ma[jes]ties good and lovinge subiectes, seinge this course taken by his Ma[jes]tie wyll wyllingly & cherefullye yelde large contribucon & ayde'.<sup>30</sup> The ancient course of well-ordered finance and sound governance reciprocated by the subjects' affections and lovingly-given parliamentary supply was the aspiration of Ellesmere's reform program. However, as we have seen, distractions within the patronage culture's politics eclipsed Ellesmere's counsel and aborted meaningful reform in his lifetime.

Lionel Cranfield is, in many ways, the figure which towers over this entire study. First in the reform years of 1617-1618 and later as lord treasurer, Cranfield was the one Jacobean minister who possessed--fleetingly--the power and audacity to do more than control or reform the patronage culture. He was the most dangerous of individuals to the likes of Buckingham because he did not seek simply to balance the demands of the patronage culture with the responsibilities of governance. Cranfield was determined to tip the Jacobean scales decisively in favour of governance and the public interest. Suitors and projectors found the lord treasurer a formidable obstacle in his brief tenure, but we know Cranfield's confrontation with the patronage culture broke him as did his--and James'--attempts to serve the state's interests in the parliament of 1624. Cranfield's ultimate ineffectiveness as lord treasurer was the familiar product of James' personal incapacity for sustained support of retrenchment and the structural fiscal imperatives of the patronage culture that were almost beyond control of anyone, including James.<sup>31</sup>

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<sup>30</sup>HHL Ellesmere Ms 2610/11.

<sup>31</sup>Peck, Court Patronage, 210-211.



Cranfield remained unrepentant for his treasurership during the rest of his life. His memoranda on Charles I's fiscal state (1637-1641) reminds us of the salient points examined in this thesis and the even more spectacular failure of the Caroline polity's fiscal policies to find a balance between the patronage culture and governance through projects.<sup>32</sup> In offering Charles counsel, Cranfield revealed the extent to which the Caroline mental world of crown finance had changed from its predecessor, becoming one in which necessity no longer defended projects and policies in question, but served as the doctrine which created them: 'Power must of necessity be used for the present ffor support of his Ma[jes]tie & saffety of the kingdom ... but it must be made to appeare to them his Ma[jes]tie is inforced to do it by the lawe of necessetye Pro Salute Reipublicae.'<sup>33</sup> Yet Cranfield coupled his well-worn injunction to this reason of state philosophy, counselling that in the collecting and disbursing of such revenue, it must genuinely serve the 'publique good'. Unfortunately, Cranfield perceived, Charles unsuccessfully articulated the public good in ship-money and failed to truly advance the commonweal with other projects. To Cranfield, Caroline fiscal policy presented the old imbalance between public good and private gain: 'The king hath lost more by the myscarriage & abuse of his owne revenue w[hi]ch his ffather lefte then he hath gayned by all the proiectes & extraordinary corses.'<sup>34</sup> The conflict between the demands of the patronage culture and the responsibilities of governance remained unresolved with familiar consequences. Cranfield's response contained a new sense of gravity: 'Every ffootman can rayse mony for the king by the kinges power w[i]th the alyenating of the subiectes hart. But that is so farr from service as it is treason of the worst kynd, even Iudas his treason, whoe betraed his master w[i]th a kys as theise men do under pretence of service.'<sup>35</sup>

Yet in Cranfield's rise and fall through the very patronage culture he sought to combat, the lord treasurer, like his predecessors, remained an unresolved confrontation.

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<sup>32</sup>The memoranda are discussed in Prestwich, *Cranfield*, 547-559.

<sup>33</sup>For instance, OBL Bankes Ms 5/56, fol. 125r and 5/57, fol. 127r-127v (both undated); also Sharpe, *Personal Rule*, 546-554; Conrad Russell, 'The Ship Money Judgments of Bramston and Davenport', *English Historical Review* 77 (1962), 312-318.

<sup>34</sup>CKS U269/1.OE1528 [Cranfield Ms 8218].

<sup>35</sup>CKS U269/1.OE1528 [Cranfield Ms 8218].

Cranfield conceived of himself as the king's servant acting for the best interests of the state. When the interests of the state in the form of fiscal solvency and the patronage culture conflicted, Cranfield demanded that the patronage culture give way, even if that meant confronting James dispensing patronage-welfare to the elite and their dependants. At the same time we have seen Cranfield's profits of office with which he met the personal life-style demands of existing in the patronage culture.<sup>36</sup> Evidence of Cranfield offering James a new favourite in the form of his brother-in-law Arthur Brett even testifies that the lord treasurer engaged in court and patronage politics on a level few of his predecessors had.<sup>37</sup> Cranfield possessed a fool-hardy, almost blind rectitude with which he absolved himself of the principles and rules to which he demanded others adhere. Nevertheless, he offers us the sharpest Jacobean image of a minister conceptualizing his responsibilities to the state and public good in their own right. Ultimately Cranfield represents the enormous personal and political challenges facing the reconciliation of the patronage culture and the governance of the state within the Jacobean polity.

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<sup>36</sup>Prestwich, Cranfield, 375-422.

<sup>37</sup>Prestwich, Cranfield, 277-278.

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